Legislative Assembly of Ontario

Assemblée législative de l'Ontario

SELECT COMMITTEE ON ELECTORAL REFORM

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Legislative Assembly of Ontario

Assemblée législative de l'Ontario

The Honourable Mike Brown, M.P.P.,
Speaker of the Legislative Assembly.

Sir,

Your Select Committee on Electoral Reform has the honour to present its Report and commends it to the House.

Caroline Di Cocco, M.P.P.,
Chair.

Queen's Park
November 2005

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Commonly Used Abbreviations

AMS = Additional Member System
AV = Alternative Vote
BCCA = British Columbia Citizens' Assembly
B-W = Baden-Württemberg
FPP = First-Past-the-Post (Single Member Plurality)
MMP = Mixed Member Proportional
PR = Proportional Representation
SMP = Single Member Plurality (First-Past-the-Post)
STV = Single Transferable Vote

EXECUTIVE SUMMARY

The Select Committee on Electoral Reform received its mandate from the House on June 13, 2005. In the past five months it has engaged in an intensive study of electoral systems, aided by the testimony of experts from the academic and political communities. In addition, the Committee benefited greatly from travel to British Columbia and to Europe to learn first hand about experiences in electoral reform, and about parliamentary government under other electoral systems. In the examination of electoral system models and theory, it is important to be familiar with and consider how local contexts shape the way an electoral system actually works. Reports on the Committee's travel are appended to this Report and may provide a glimpse of the valuable insights that these opportunities provided.

Electoral Systems

The Committee wishes to highlight the significance of electoral reform, given that the electoral system has a direct bearing on the party system, the balance of forces within parliament, the prevailing mode of government (e.g., majority, minority or coalition), and the political engagement and representation of the public. The visit by four Members of the Committee to three European jurisdictions with proportionate representation systems impressed upon them the close links between the functioning of the electoral system and the political, cultural, and historical traditions in which it is situated. The Committee concludes that:

(a) electoral reform should not take place without due consideration of the long-standing political traditions that Ontarians appear to value, such as stable government, and the close identification of members with local geographical constituencies; and

(b) electoral reform should not take place without due consideration of the probable effects on the party system, on the composition and functioning of government, and on the effectiveness of parliament.

At the same time, the Committee heard many times that electoral reform should not be regarded as a "panacea" that will automatically eliminate any democratic deficit or achieve other goals related to political participation – there are limits to what reform of the electoral system can accomplish.

While some immediate outcomes such as increased proportionality, or a change in the number and/or method of electing members can be easily predicted or designed, securing other objectives such as more youth engagement, an improved gender balance, more effective parliaments, or the election of a legislature that better reflects Ontario's diversity requires more than electoral engineering. Electoral systems may provide opportunities or even incentives for political actors to adopt different strategies, which, in turn, may bring about different outcomes. Nonetheless, in the absence of a supportive political culture and political parties willing to explore such opportunities, desired goals may not be achieved.

In short, the Committee agrees that expectations about the effect of electoral reform need to be realistic. The connection of the electoral system to a much larger whole is not only what makes electoral reform significant, but also what limits the ability of electoral reform to transform the entire political process.

The Committee also concluded that effective attention to any democratic deficit must also address parliamentary reform, including the standing orders, the role of committees, the designation of matters of confidence, the scheduling of House business, and the influence of the Premier's Office, in order to improve the ability of private members to represent their constituents effectively.

The Committee is agreed that at the end of any reform process, Ontario must have one electoral system, common to all regions of the province.

Citizens' Assembly Terms of Reference

The Committee has conducted its business with the knowledge that the government has committed to establishing a citizens' assembly to consider electoral reform in Ontario. Having consulted extensively with individuals connected with the British Columbia Citizens' Assembly (BCCA), the Committee believes there are lessons to be learned from the experience of the BCCA. It therefore recommends that the terms of reference for an Ontario citizens' assembly should:

(a) invite the use of a broad set of criteria that focus not simply on the electoral system, but also recognize the possible impacts of electoral reform on the party system, the functioning of parliament, the nature of government, the representation of various components or dimensions of Ontario society, and the administration of elections, including responsibility for the determination of Ontario's electoral boundaries;

(b) require the assembly to recommend maintaining the current FPP system or propose an alternative electoral system (or systems); and

(c) provide the assembly with the latitude necessary to recommend whatever electoral system is consistent with Ontario's (and Canada's) constitution.

Composition of the Assembly

The Committee suggests that those responsible for designing an Ontario citizens' assembly take note of the following:

(a) that the effect of any self-selection element in constituting the membership of the assembly will be more likely to retain individuals with a predisposition towards reform rather than those with a predisposition to the *status quo*;

(b) the value of ensuring that the membership of the citizens' assembly is reflective of Ontario's population;[1]

(c) the need to design the entire process in a way that makes it accommodating to the career patterns and life-style issues of all age cohorts, but especially for those under 30 years of age;

(d) the value of ensuring that any meeting space used for the assembly provides – like the Morris J. Wosk Centre for Dialogue in Vancouver – an environment conducive to building consensus through constructive dialogue and debate; and

(e) the legitimacy of the political perspectives of parliamentarians and of active political party members.

To this end, it recommends that any ineligibility of elected officials for membership in the assembly should be limited to incumbent office holders.

To expand on the last, the Committee noted the attempt in British Columbia to insulate the Citizens' Assembly from elected officials and anyone in a position of responsibility within a political party. The Committee agrees that any citizens' assembly process must be independent of government, and not be dominated by partisan interests. At the same time, the decision to reform or not reform the electoral process *is* a political decision and the perspectives and experience of political practitioners are as valid as any others, and may offer unique insights that would otherwise go missing. Changing the electoral system has consequences for political parties and for elected Members, both of which are fundamental to modern representative democracy.

The Committee believes there is a useful role for Members to play in promoting discussion and debate within their ridings, and that the perspectives and experience that elected Members have regarding the functioning of parliament, discipline within parties, running successful election campaigns, and dealing with the media, the public service, and other officials, should not be excluded from reflections on the way Members are elected. Therefore, the Committee also recommends that:

(a) Members from either side of the House should not be constrained by their party leadership from taking part in any public debate and discussion of electoral reform, and should be encouraged to play a role in fostering public dialogue in their own ridings; and

(b) the Association of Former Parliamentarians should be asked to nominate one former Member from each of Ontario's three legislative parties to serve in an *ex officio* capacity on the citizens' assembly. These

[1] British Columbia ensured that there was one woman and one man selected from each riding, and found it necessary to make adjustments to ensure that membership included representation from B.C.'s aboriginal population.

individuals would bring valuable experience and insight, but offer the disinterested perspective of those no longer holding office.

Referendum Issues

The Committee's mandate includes considering the procedure "for the referendum to be held following a review of electoral reform by a citizen assembly ... and [it] may make recommendations on the requirements for a winning referendum." Having heard from various experts in Ontario, and having consulted with electoral officials in a number of jurisdictions, the Committee has several observations and recommendations.

Regarding the number and types of referendum, the Committee observes as follows:

(a) if a citizens' assembly should recommend maintaining the current system, a referendum would be unnecessary;

(b) if a citizens' assembly should recommend a single option for reforming the electoral system (as did the BCCA), there should be one referendum consisting of a single question asking the voters of Ontario to support the proposed alternative electoral system or to maintain the current system; and

(c) if the citizens' assembly were to recommend or propose consideration of more than one option for reforming the electoral system, a two-stage referendum process would be necessary, as happened in New Zealand.

The Committee recommends that any proposal(s) from a citizens' assembly be as complete as possible in the essential details, in order to provide the Legislative Assembly and voters with all the information they need to make their decisions.

The committee recommends that the referendum be binding upon a vote of 50% + 1, and the support of 50% + 1 in at least two-thirds (i.e., 71) of the ridings or any other formula that ensures the result has support from Northern, rural, and urban areas of the Province.

The Committee recommends that any referendum on electoral reform be held in conjunction with a provincial general election.

The Committee recommends that responsibility for the referendum question(s) – including the wording and number of questions to be asked, *and* the number of referendums to be held – rest ultimately with the Legislature, acting on the advice of the citizens' assembly, the Select Committee on Electoral Reform, and if required, Elections Ontario.

One of the Committee's strongest conclusions is the need for an effective public education campaign; experience elsewhere indicates how difficult this task may

be. Therefore, the Committee recommends that Elections Ontario (or another appropriate and neutral body) be charged with the responsibility for ensuring that every voter receives adequate information about the arguments for and against each side of any question that is put to the people. It suggests that Elections Ontario (or another appropriate and neutral body) also be asked at the earliest opportunity to prepare a plan for an effective, participatory, pro-active public education campaign, with an emphasis on enabling voters to participate in town hall meetings or other community forums.

Review of Electoral Reform

The Committee recommends that any reform of the electoral system contain provisions guaranteeing a review (if not also a referendum) on the suitability of the new system, to take place not before the third and not after the fourth election held under this system. One of the criteria for this review should be a measure of the acceptance of the new system by the public.

Future Role

Should the Legislature deem it appropriate, the Committee would be willing to offer the benefit of its experience as a resource for the citizens' assembly and/or the Legislature in whatever capacity is required. The Committee looked favourably at the role played in British Columbia by the Special Committee on the Citizens' Assembly on Electoral Reform as an example.

List of Recommendations

The Committee recommends that

1. The terms of reference for an Ontario citizens' assembly should:
- **(a) invite the use of a broad set of criteria that focus not simply on the electoral system, but also recognize the possible impacts of electoral reform on the party system, the functioning of parliament, the nature of government, the representation of various components or dimensions of Ontario society, and the administration of elections, including responsibility for the determination of Ontario's electoral boundaries;**
- **(b) require the assembly to recommend maintaining the current FPP system or propose an alternative electoral system (or systems); and**
- **(c) provide the assembly with the latitude necessary to recommend whatever electoral system is consistent with Ontario's (and Canada's) constitution. (p. 2)**

2. Any ineligibility of elected officials for membership in the citizens' assembly should be limited to incumbent office holders. (p. 3)

3. Any proposal(s) from a citizens' assembly should be as complete as possible in the essential details, in order to provide the Legislative Assembly and voters with all the information they need to make their decisions. (p. 43)

4. The referendum should be binding upon a vote of 50% + 1, and the support of 50% + 1 in at least two-thirds (i.e., 71) of the ridings, or any other formula that ensures the result has support from Northern, rural, and urban areas of the Province. (p. 46)

5. Any referendum on electoral reform should be held in conjunction with a provincial general election. (p. 46)

6. Responsibility for the referendum question(s) – including the wording and number of questions to be asked, *and* the number of referendums to be held – rest ultimately with the Legislature, acting on the advice of the citizens' assembly, the Select Committee on Electoral Reform, and if required, Elections Ontario. (p. 46)

7. Elections Ontario (or another appropriate and neutral body) should be charged with the responsibility for ensuring that every voter receives adequate information about the arguments for and against each side of any question that is put to the people. Elections Ontario (or another appropriate and neutral body) should also be asked at the earliest opportunity to prepare a plan for an effective, participatory, pro-active public education campaign, with an emphasis on enabling voters to participate in town hall meetings or other community forums. (p. 47)

8. Members from either side of the House should not be constrained by their party leadership from taking part in any public debate and discussion of electoral reform, and be encouraged to play a role in fostering public dialogue in their own ridings. (p. 47)

9. The Association of Former Parliamentarians should be asked to nominate one former Member from each of Ontario's three legislative parties to serve in an ex officio capacity on the citizens' assembly. (p. 48)

10. Reform of the electoral system should contain provisions guaranteeing a review (if not also a referendum) on the suitability of the new system, to take place not before the third and not after the fourth election held under this system. One of the criteria for this review should be a measure of the acceptance of the new system by the public. (p. 5)

INTRODUCTION

Mandate

On June 13, 2005, the House ordered the appointment of a Select Committee on Electoral Reform to consider and report on options for electoral reform. The Order of the House reads as follows:

> That a Select Committee on Electoral Reform be appointed to consider and report on options for electoral reform.
>
> The Committee shall, among other matters, review the current electoral system and alternative electoral systems. It may make recommendations on the viability of each alternative electoral system reviewed, taking into consideration the impact such alternatives may have on gender equality, full representation of Ontario's populace and the number and method of election of MPPs.
>
> The Committee shall consider the procedure for the referendum to be held following a review of electoral reform by a citizen assembly as constituted pursuant to the Election Amendment Act, 2005 and may make recommendations on the requirements for a winning referendum.
>
> The Committee shall be composed of six government members, two members of the Official Opposition and one member of the Third Party. It shall be chaired by a member of the Government, and a member of the Official Opposition shall serve as Vice-Chair. The membership of the Committee including the identification of the Chair and Vice-Chair shall be filed with the Clerk of the Assembly by the Whips of the recognized parties no later than Friday, July 8, 2005.
>
> The Committee shall have the authority to meet concurrently with the House and during any adjournment of the House notwithstanding prorogation.
>
> The Committee shall have the authority to commission reports relevant to the terms of reference, to employ staff and to travel outside of Ontario.
>
> At its discretion, the Committee has the authority to present interim reports and the Committee shall present its final report to the Legislative Assembly no later than November 3, 2005. If the House is not sitting, the Committee has the authority to release any report by depositing a copy of it with the Clerk of the Assembly and upon resumption of the sittings of the House the Chair of the Committee shall present such report to the House in accordance with the Standing Orders.

By order of the House on November 2, 2005, the deadline for presentation of the final report to the Legislative Assembly was extended to no later than December 1, 2005.

Research Methodology

Pursuant to the foregoing mandate, the Standing Committee on the Legislative Assembly held a series of meetings over the past several months during which it reviewed research materials and heard from the Clerk of the Legislative Assembly, the Chief Election Officer and his Assistant, representatives of political parties and other stakeholders, and academic experts.

In September 2005, four Committee members (of nine) had the opportunity to visit the British Columbia Legislature and meet with parliamentary staff, the former head of the Legislative Committee providing oversight to the Citizen's Assembly, public servants, and a number of private citizens connected with the BCCA, including former members in Victoria and Vancouver, the former director of operations for the BCCA, its chief architect, and the co-chairs of the unofficial "Yes" campaign for the May 2005 referendum.

In September 2005, four members of the Committee had the opportunity to visit the state parliament of Baden-Württemberg in Stuttgart, the Scottish Parliament in Edinburgh, and the Dáil (lower House of the Irish parliament, the Oireachtas) in Dublin. In Europe, the Committee met with parliamentarians from government and opposition, parliamentary officers, election officials, members of interest groups, and academics. The Committee engaged in many fruitful discussions and brought back documentation that was useful in its subsequent deliberations.

Assessment Criteria

At its first meeting, the Select Committee on Electoral Reform began considering the criteria it would use to fulfil its mandate to assess electoral systems. After reviewing various sets of principles, including those applied by the New Zealand Royal Commission on the Electoral System, the Law Commission of Canada, and the British Columbia Citizen's Assembly, the Select Committee chose to apply the following eight criteria:

1. Legitimacy

2. Fairness of Representation

3. Voter Choice

4. Effective Parties

5. Stable and Effective Government

6. Effective Parliament

7. Stronger Voter Participation

8. Accountability

In addition to clarifying its understanding of these criteria, the Committee identified possible empirical measures that might provide an objective basis for its judgements. [These criteria and the measures are discussed in greater detail in Section I below.] Generally, the Committee was more interested in the experience of actual systems than by the properties of hypothetical models.

The Committee suggests that it would be impossible for any electoral system to fully satisfy these criteria, noting that it is in the nature of electoral systems that they involve trade-offs.

Future Role

Should the Legislature deem it appropriate, the Committee would be willing to offer the benefit of its experience as a resource for the Citizens' Assembly and/or the Legislature in whatever capacity is required. The Committee looked favourably at the role played in British Columbia by the Special Committee on the Citizens' Assembly on Electoral Reform as an example.

Acknowledgements

The Committee wishes to thank all who have appeared before it for their helpful observations and comments.

It also expresses its sincere gratitude, through the following individuals, for the efforts they or staff from their jurisdictions made in arranging meetings with parliamentarians, legislative staff, elections officials, and citizens:

- from the Legislative Assembly of British Columbia: Craig James, Clerk Assistant and Clerk of Committees;
- from the *Landtag* of Baden-Württemberg: Mr. Ulrich Lochmann, Director of the *Landtag*;
- from the Scottish Parliament: the Right Honourable George Reid, Presiding Officer and Paul Grice, Clerk/Chief Executive of the Scottish Parliament; and
- in Dublin: Ambassador Mark Moher.

In addition, the Committee wishes to thank Mr. Theo Schweiker, the Honorary Canadian Consul in Stuttgart; Mr. Christopher Berzins and Mr. Gordon Morrison from the Canadian High Commission in London; and Mr. Carl Schwenger from the Canadian Embassy in Dublin; each of whom made invaluable contributions to the Committee's brief but productive research visits to Stuttgart, Edinburgh, and Dublin.

Finally, the Committee wishes to thank Legislative Assembly staff who assisted the Committee in carrying out its mandate – in particular the Clerk of the Committee, Anne Stokes, and the Committees Branch for their procedural advice

and administrative support; and the Research Officer, Larry Johnston, and the Legislative Research Service for their research and report writing services.

I. Assessing Electoral Systems

Elaboration of the Committee's Assessment Criteria

1. Legitimacy

The legitimacy of an electoral system is one of its most important properties, as well as one of its most intangible.[2] Legitimacy is presumably accorded to a system that is consistent with the values of the electorate. Apart from surveying people's attitudes towards the electoral system, the most direct measure of its legitimacy is the **amount of public engagement** that it maintains. The degree to which people are likely to vote, to join or support political parties, or to show an interest in election campaigns or coverage, may provide some indication of the legitimacy of the system. The frequent reference to democratic deficits, and Ontario's decision to become the fifth province formally to explore the question of electoral reform, may be interpreted as indicating that the legitimacy of the existing First-Past-the-Post (FPP) model may not be taken for granted. Similarly, it cannot be taken for granted that electoral reform is the cure for any malaise in the body politic, as opposed to parliamentary reform, or other remedies.

In its assessments, the Committee does not judge the legitimacy of other systems for the jurisdictions employing them, but believes it is important that any reformed electoral system be seen as legitimate by Ontarians. For this reason, the Committee considers other systems in light of their **consistency with the experience of Ontario voters**.[3] Ultimately, any system that satisfies the remaining seven criteria that the Committee has identified should have little difficulty in establishing its legitimacy.

Legitimacy must also apply to the process by which electoral reform is achieved. If the process is unimpeachable, even those who disagree with the eventual outcome can accept it as legitimate. Such judgements are at the heart of democratic decision-making. A key ingredient in that process will be measuring public support through a plebiscite or referendum, about which more is said below. Other criteria the reform process might satisfy include:

- independence from the government of the day;
- a process not dominated by particular partisan interests;
- adequate terms of reference; and
- a process that adequately informs participants of the alternatives and of the likely consequences of implementing any of them.

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[2] The Committee considers it a given that any electoral system will be consistent with the Constitution, and is not discussing legitimacy in this formal or legal sense.

[3] The Committee is aware that the novelty of an electoral system has nothing *per se* to do with its legitimacy, and of the apparent contradiction in noting skepticism about the existing system on the one hand, and measuring the departure of any other model from that system. Experience shows also, though, that voters often want the electoral system to produce different types of outcome than it normally delivers (e.g., better proportionality, more balanced social representation, greater accountability), but at the same time, remain attached to principal features of the existing system.

2. Fairness of Representation

The Committee understands fairness of representation to mean that the electoral system should return a legislature that accurately mirrors the people of Ontario and their opinions. Possible principles of fairness include:

- **Representation by population** – requires that each vote carry an equal weight in electing Members and a government.
- **Proportionality** – requires that a party's seat share in the legislature reflects its vote share in the election.
- **Social representation** – requires that the make-up of the legislature reflect the social characteristics of the population at large. The Committee's mandate specifically mentions "gender equality" and "full representation of Ontario's populace." Other elements often considered under social representation include social class, age, ethno-cultural diversity, and the representation of aboriginal peoples.

The Committee recognizes that the electoral system cannot be expected to bear the entire weight of providing for social representation; a great deal of responsibility falls to political parties in their selection of candidates, and other factors, such as political and social culture, may also be crucial. At the same time, it is fair to ask of an electoral model if it provides incentives or disincentives for parties to work for better social representation. Social representation can be measured by comparing the proportion of the population with a particular attribute with the proportion of legislators identifying as such.

3. Voter Choice

All else being equal, an electoral system should enhance rather than diminish the quantity and quality of the choices voters may make. Measuring voter choice may include:

- The **number of votes**.
- **Categorical** (i.e., one choice) versus **ordinal** (or **preferential**) **balloting**.[4]
- The opportunity for **vote-splitting** (i.e., between parties, between candidates, or between party and candidate).[5]
- The **number of candidates**.
- The **number** and **diversity** of **political parties**.

Arguably, there is a trade-off between enhancing voter choice, and keeping the voting act simple. Enhancing choice should not over-complicate voting nor

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[4] Ontarians are used to categorical balloting, such as placing an X beside one candidate, or voting Yes *or* No in a referendum or plebiscite; an ordinal or preferential ballot allows or requires the voter to rank the candidates or selections in a numerical series (e.g., 1, 2, 3, 4, etc.).

[5] Vote-splitting involves being able to send "mixed message," such as support for a candidate but not for his or her party (or vice-versa). Being able to vote at the same time for more than one candidate, or for more than one party, can also be seen as vote-splitting. (See Glossary also.)

unnecessarily obscure the relationship between voting and the outcomes it generates. In short, choice should be consistent with **comprehensibility** and **transparency**.

4. Effective Parties

The Committee believes the electoral system should support the role that political parties play in organizing the electorate and developing policy alternatives. Much of the effective institutionalization of parties has to do with matters beyond the mandate of this Committee (e.g., election campaign rules, party financing regulations, etc.), but electoral systems can be evaluated with respect to effective parties in a number of ways, including the following:

- Comparing the **effective number of** elective **parties** (those receiving votes) and the effective number of legislative parties (those with seats).[6] The degree to which there are fewer legislative than elective parties (there cannot be more) indicates the extent to which the electoral system acts as a filter, diminishing the role of some parties in the legislature and excluding others altogether.
- Comparing the **volatility** of party support from one election to the next. The greater the average change in support for individual parties from one election to the next, the more volatile the party system. A volatile system suggests that partisan attachments are weak, and that parties are not performing well in attracting and representing a loyal cohort of adherents.
- Comparing the ability of the electoral system to accommodate the formation and election of **new parties**. A critical factor is any legal threshold in the electoral law, but otherwise, for most electoral systems, an **effective threshold** may be calculated: this is the level of support at which it is possible for parties to gain a representative share of seats in the legislature.[7]
- Assessing whether the electoral system reinforces **regional strengths and weaknesses**, or ameliorates them.[8]
- Examining the **age of parties** within a legislature may provide an indication of the stability or turbulence of the party system.
- Comparing the ability of parties to be coherent, disciplined bodies that present a consistent message to the electorate – i.e., the **strength of**

[6] The "effective number" of parties is a technical term used to describe not only the number of parties but their relative strengths. For example, three parties with 1/3 of the seats each is much closer to a three-party system than two parties with 48% and one with 4%. It would be more accurate to describe the former as a three-party system and the latter as "effectively" a two-party system. Calculating the effective number of "elective" parties (those that receive votes during an election), and the effective number of "legislative" parties (those that win seats) is a useful tool for comparing systems. An example of such a calculation is provided in the Glossary.

[7] See discussion of "Thresholds" in the Glossary.

[8] For example, under FPP, a party that consistently has a plurality of support in a region will win all or most of the seats there. This party will be the only parliamentary voice for that region; the strength of the other parties in that region, individually or altogether, will not be reflected in the legislature.

party discipline within the system. This can be measured by noting the frequency with which Members (particularly of the government party) vote against their party's stated position.

What these measures indicate about effective parties and electoral systems depends on the assumptions or value judgements brought to them. Is an electoral system that consistently produces more than five parties better than one that consistently returns fewer than three? To answer such a question requires determining the ideal number of parties, or deciding how many parties is too many. For example, does an increase in the number of parties increase the likelihood that a small party may hold the parliamentary balance of power, and if so, is this problematic? The idea that a caucus should reflect the party's strength in all regions assumes that the integrative function is better performed *within* the parties, rather than by having a system of regional parties. Finally, can the party discipline necessary to function effectively in parliament and to mobilize the electorate become too rigid and (thereby) compromise effective representation of the voters? Questions such as these illustrate the trade-offs involved in the selection of an electoral system.

5. Stable and Effective Government

Governmental stability can be approached in two ways:

(1) The continuity of **governments** within a system can be measured by the percentage that **serve their full term** in office.[9]

(2) The **continuity between governments** can be measured by the proportion of elections that return to parliament and to the government at least one party from the government in the previous legislature.

The stability of *a* government (1) is often associated with **single-party majority government**, as opposed to minority or coalition governments, although there are numerous examples of long-lasting minority and coalition administrations. The notion of stability *between* governments (2) is often associated with successive coalition governments, but may equally apply to systems that often re-elect majority governments.

Effective government is difficult to define; but most agree it includes being able to take decisive action when such is required. It has been noted that the survival of a minority or coalition government sometimes requires *not acting* on divisive issues on which the partners cannot agree. However, measuring the effectiveness

[9] In systems with fixed election terms, this is simply the absence of a change in government between scheduled elections *and* the absence of early elections. In systems with flexible election terms, it is a government that serves the maximum term in office before calling an election, or, a government that resigns in order to force an election, but has not itself been forced to do so by a legislative defeat.

of governments is already a methodologically difficult and value-laden exercise, without taking the further step of connecting it with electoral models.[10]

6. Effective Parliament

The Committee believes that an electoral system should promote the ability of the legislature to discharge its parliamentary functions effectively. These functions include "promoting alternative governments and policies, enacting legislation, authorizing taxation and expenditures, and scrutinizing the executive."[11]

The most direct connection between the voting system and the functioning of parliament is its ability to return **a government and an opposition**. In some cases, the identity of neither will be immediately obvious, but will emerge through a process of bargaining and negotiation ("the government formation process"). The relationship between parliamentary effectiveness and the electoral system may be indirect, the result of other properties such as the party system, proportionality, etc., which, in turn, may differ according to the type of electoral system.

An effective parliament may also depend on factors not immediately connected to the electoral system, such as the **degree of executive dominance** permitted or prescribed by the constitution. However, even here, the electoral system may make a difference, as for example, when coalition government weakens the power of the prime minister vis-à-vis cabinet and the legislature.

As with "effective government," identifying "effective parliament" may be more a matter of judgement (relying largely on anecdotal evidence) than of empirical measurement.

7. Stronger Voter Participation

Ideally, an electoral system promotes voter participation. There are two simple empirical measures that may be considered:

- One is the **rate of voter turnout** in countries under different types of electoral systems, both currently, and over the longer term.
- Another is any **change in voter turnout** after a change in electoral system.

Neither of these measures is straightforward, for the simple reason that voter participation is the product of many factors in addition to the electoral system. To change the electoral system without addressing these other variables may limit the impact of electoral reform. On the other hand, electoral reform may be the necessary condition that allows other changes to happen. For example, one factor that appears to influence turnout is how close the election contest is perceived to

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[10] See Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven: Yale University Press, 1999); and Ian Budge and Hans Keman, *Parties and Democracy: Coalition Formation and Government Functioning in Twenty States* (Oxford: Oxford University Press, 1990).

[11] New Zealand Royal Commission on the Electoral System (RCES), 1986.

be. Therefore, if an electoral system tends to make elections more competitive, it could increase turnout; conversely, if it reinforces the hold of one political party on government, then it might depress public participation.

One way to characterize **competitiveness** is by the "closeness" of the contest (i.e., a narrow margin of victory). In this respect, a large proportion of single member contests – under *any* electoral system – will not be close (and given adequate polling, will be known in advance not to be close). Elections may also be competitive when there is more at stake at the local level than just who wins the constituency seat, and more is at stake at the national level than which party will form the government.

Most importantly, the electoral system may be an intervening variable in shaping voter participation by providing distinct incentives to political parties to undertake specific strategies to mobilize the electorate.[12] A system in which every vote counts in determining each party's final share of seats provides different incentives to parties than one in which what matters is holding or increasing the number of ridings in which the party has a plurality (i.e., a focus on "winnable" ridings). A by-product of electoral reform, then, could be better mobilization of the electorate, provided that parties recognize and take advantage of the strategic opportunities that the system provides to them.[13] If parties fail to make the most of these new possibilities, it is less likely that stronger voter participation will follow from electoral reform.

8. Accountability

Finally, electoral systems can be evaluated on whether they contribute to accountability – the ability of voters to identify policy makers and hold them to account. Connecting policy to cabinet ought to be clear enough in any parliamentary government, but could be clouded by coalitions with multiple partners. Hence the measure of the **likelihood of majority government** may also be used as one indicator of accountability. It is sometimes claimed that parties in **coalition** escape accountability for not acting on their commitments by pointing to the compromises inherent in forming and maintaining coalition partnerships. On the other hand, not only do **coalition** governments often rest on a clear **agreement** about policy agendas and the division of portfolios, the possible trade-offs and partnerships are often central issues in the election campaign.

Clear policy platforms (often called "manifestos") are not only an important basis for negotiating coalition agreements, but are also a primary means by which

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[12] Much of discussion about electoral reform ignores the mediating role of political parties in "getting out the vote".

[13] The Committee saw first-hand that in Scotland the Green Party recognized that it was in its interest to run candidates only for regional list seats, and not for constituency seats. The success in electing seven members in this fashion did not sit well with some members of other parties who seemed to feel the Greens had "cheated" the system. The Greens simply recognized how the possibility of vote-splitting, and the willingness of Scottish voters to engage in vote-splitting, could work in their favour.

voters can hold governments of any type responsible for the design, delivery and administration of public policy.

The classic means of holding policy makers to account in a representative democracy is to refuse to re-elect them. Different types of electoral systems make that more or less easy. In addition, voters may also wish to hold their local representative accountable for inadequate attention to, or representation of, their interests. This is easiest in systems where citizens **vote directly for their Member**(s).

A related issue is whether the system permits voters to hold the government accountable without punishing their local Member, who is providing excellent representation, or conversely, to hold their Member accountable while continuing to support his or her party. Only in systems where voting for representative and party are separate acts (i.e., **vote-splitting**) can these two types of accountability (of a party or government, and of one's representative) be separated.

Finally, it should be noted that **proportionality**, in addition to its role in providing fair representation, can be viewed as a means of holding all parties (government and opposition) to account; any increase or decrease in a party's support is met with a corresponding increase or decrease in legislative seats.

Assessing Systems

The Committee noted the existence of a number of types or families of electoral systems and observed that, within most types, it is rare for any jurisdiction to have exactly the same system as any other. Countless variations are possible, and hybrid systems combining features from more than one type or family have been contemplated, but as yet, not been put into practice.[14]

In this section, the Committee assesses the current First-Past-the-Post (FPP) electoral system, as well as three alternatives: the Alternative Vote (AV), the Single Transferable Vote (STV), and Mixed Member Proportional (MMP) electoral systems. A brief comment also explains the decision not to assess fully two other models: List PR, and the Runoff (or Two-Round) system.

1. Single Member Plurality (SMP) or First Past the Post (FPP)

The existing electoral system in Ontario is known as a Single Member Plurality system, or more commonly First-Past-the-Post (FPP). Voters cast a single, categorical ballot for candidates seeking election in single member districts. The candidate with a plurality – more votes than any other – is the winner. The following table summarizes the Committee's evaluation of FPP according to the criteria and measures explained above.

TABLE 1: ASSESSING FIRST-PAST-THE-POST (FPP)

CRITERIA	EVALUATION
1. Legitimacy	
Consistency with experience of Ontario voters	Strong
Attracts engagement (participation)	Declining
2. Fairness of Representation	
Representation by population	Yes
Proportionality	Weak
Encourages social representation	Weak – has no compensatory mechanisms that allow parties to promote diversity, an exception being the ability of spatially-concentrated ethno-cultural communities to use the plurality mechanism to their advantage

[14] The "Alternative Vote Plus" system recommended by the Jenkins Commission (1997) in the United Kingdom is just such an example.

3. Voter Choice	
Number of votes	One
Categorical versus preferential balloting	Categorical
Opportunity for vote-splitting	No
Number of candidates	Depends on number of parties and independent candidates
Number and diversity of political parties	Limits number of strong parties (see next section)
Complexity	Simple
Comprehensibility and transparency	Good at constituency level; less transparent in the aggregate (1)
4. Effective Parties	
Effective number of elective/legislative parties	Relatively few – system is a strong filter
Volatility from one election to next	Can be considerable
Accommodates new parties (effective threshold)	Not accommodating (2)
Exploits or mitigates regional differences	Exploits regional differences (3)
Stability of party system (age of parties)	Stable
Strength of party discipline	Strong
5. Stable & Effective Government	
Likelihood of single party majority government	Very likely
Likelihood of early elections	Infrequently (usually at discretion of first minister)
Likelihood of continuity between governments	One extreme or the other (4)
6. Effective Parliament	
Allows establishment of government and opposition	Yes
Contributes to or diminishes dominance of executive (especially of first minister)	If anything, contributes
7. Stronger Voter Participation	
Competitiveness of elections	Winner-take-all
Average rate of participation	Weak (5)
Long-term trends	Declining (6)

8. Accountability	
Likelihood of single party majority government	Very likely
Voting directly for members	Yes
Clear party platforms	Increasingly true
Detailed coalition agreements	Not applicable
Opportunity for vote-splitting	No
Proportionality	No

Notes on FPP

(1) Whoever receives the most votes wins the seat – this is a clear relationship. However, it does not always hold that the party that receives the most votes wins the most seats, nor is there any necessary correspondence between the ranking of other parties' vote shares and of their seat shares. A classic Canadian example is the results for Manitoba seats in the 1926 federal election:

Political party	% of votes	No. of seats	% of seats
Conservatives	42.2%	0	0%
Labour Progressives	19.5%	7	41%
Liberals	18.4%	4	24%
Progressives	11.2%	4	24%
Labour	8.7%	2	12%

(2) To win a seat, a party must finish better than all other parties in a riding; to attract any attention in the Legislature it must be able to replicate this result in many constituencies. If a party is not an overnight success, it must somehow convince voters to continue to support it until it breaks through the effective threshold (see Glossary).

(3) The winner-take-all character of FPP elections means that a party with a strong plurality in a region will be the only one to send representatives to the Legislature, effectively silencing other voices from that region.

(4) There tend to be long periods with one party in power, or periods in which each election brings a different party to government.

(5) For the last seven general elections, the average turnout in Ontario was 60.7%; in Canada for the last seven general elections, 69.9%.

(6) In Ontario, turnout has declined from 73.5% in 1971 to 56.8% in 2003. In Canada, turnout declined from 76.7% in 1972 to 60.9% in 2004.

2. Alternative Vote (AV)

The Alternative Vote (AV) is a majoritarian system that differs from FPP in its ballot and its electoral formula. AV is used in Australia nationally and in several of the Australian states. Voters elect one candidate in single-member districts, the seat going to the first candidate to secure an absolute majority (50% + 1 vote) of votes. The mechanism by which this is achieved is an ordinal or preferential ballot which requires voters to rank the available choices in a numerical order (1, 2, 3, 4, etc.). If no candidate secures a majority of first preference ballots, the candidate with the least support is removed from the running, and his or her ballots are redistributed on the basis of the next preference. This process continues until one candidate has accumulated a majority of the valid ballots cast.

The Committee's assessment of AV necessarily draws upon Australia's experience as the only national jurisdiction to have employed this system over the long term. However, the Committee also took note of conclusions by Harold J. Jansen in his review of Canada's experience of AV in three western provinces in the middle of the twentieth century.[15]

The following table summarizes the Committee's evaluation of AV according to the criteria and measures explained above.

TABLE 2: ASSESSING ALTERNATIVE VOTE (AV)

CRITERIA	EVALUATION
1. Legitimacy	
Consistency with experience of Ontario voters	Strong (except for elements of compulsion) (1)
Attracts engagement (participation)	Compulsory voting – declining partisan activity
2. Fairness of Representation	
Representation by population	Yes
Proportionality	Weak
Encourages social representation	Weak – it has no compensatory mechanisms that allow parties to promote diversity

[15] Harold J. Jansen, "The Political Consequences of the Alternative Vote: Lessons from Western Canada," *Canadian Journal of Political Science*, 37:3 (September 2004), pp. 647-669.

3. Voter Choice	
Number of votes	One (2)
Categorical versus preferential balloting	Preferential (full)
Opportunity for vote-splitting	No
Number of candidates	Depends on number of parties and independent candidates
Number and diversity of political parties	Limits number of strong parties (see next section)
Complexity	Difficult to assess (3)
Comprehensibility and transparency	Not fully transparent at constituency or national level (4)
4. Effective Parties	
Effective number of elective/legislative parties	Virtual two-party system – AV is a strong filter (5)
Volatility from one election to next	Minimal
Accommodates new parties (effective threshold)	Not accommodating (6)
Exploits or mitigates regional differences	May mitigate regional differences
Stability of party system (age of parties)	Very stable
Strength of party discipline	Strong
5. Stable & Effective Government	
Likelihood of single party majority government	Common (7)
Likelihood of early elections	Not likely (and mostly for federal reasons)
Likelihood of continuity between governments	Strong pattern of re-electing government (8)
6. Effective Parliament	
Allows establishment of government and opposition	Yes
Contributes to or diminishes dominance of executive (especially of first minister)	May contribute
7. Stronger Voter Participation	
Competitiveness of elections	Winner-take-all
Average rate of participation	Compulsory voting (9)
Long-term trends	Stable

8. Accountability	
Likelihood of single party majority government	Common
Voting directly for members	Yes
Clear party platforms	Yes
Detailed coalition agreements	No
Opportunity for vote-splitting	No
Proportionality	No

Notes on AV

(1) Quite apart from compulsory voting (which may accompany any kind of electoral system), Australia's AV system involves "full preferential voting," which requires voters to complete a properly sequenced set of preferences for all candidates (i.e., 1,2,3,4,5,6 not 1,2,3,3,4,4,4,) or else the ballot is considered "informal" (and thus spoiled). There is evidence the Australian public would prefer "optional preferential voting," which allows marking as few or as many preferences as one chooses (as in Irish STV). However, parties, interest groups, or others may distribute "How to Vote" cards, which voters may take into the polling station to copy when completing their ballot. In the absence of optional preferences, a concession has been made for the Senate elections, whereby voters may mark the ballot "above the line" by indicating a vote beside one party or independent; the preferences will then be allocated by election officials in the order that the selected party (or independent) has previously registered with the Electoral Commission.

(2) Although the voter ranks all the candidates, the ballot is a form of single transferable vote. Only one preference on each ballot is ever "in play" at any point in the count. The second preference is counted only if the first preference was marked for a candidate who has been eliminated. From that point in time, the first preference no longer counts for anything. The same thing happens to the second preference, should the ballot need to be transferred again, and so on through however many preferences need to be considered.

(3) Completing a ranking of all candidates is more complicated than marking an "X" beside one candidate, but the use of "How to Vote" cards eliminates much of the complexity.

(4) Unless a candidate wins an outright majority of first preferences, a number of different outcomes are possible, including cases where a candidate with a rather substantial plurality after the first count fails to win the seat. This system is susceptible to instances of non-monotonicity (i.e., a situation where a candidate gains more votes but finishes worse off). A classic example runs as follows:

Election 2000			Election 2002		
No. of votes	1st preference	2nd preference	No. of votes	1st preference	2nd preference
39	Democrats	Greens	49	Democrats	Greens
35	Greens	Progressives	25	Greens	Progressives
26	Progressives	Democrats	26	Progressives	Democrats

In Election 2000, the Progressive candidate finishes last, is eliminated, and the votes are transferred, electing the Democrat candidate. After two years of effective representation, the Democrat member attracts support from the Green voters, but not enough to win on first preferences. However, by taking votes from the Greens, the Democrats engineer the election of the Progressive candidate – the Green candidate now finishes third, and his or her votes are transferred to the Progressive candidate, who overtakes the Democrat.

The result in Election 2002 also illustrates the ability of AV to produce a non-Condorcet winner. (A "Condorcet winner" is the candidate who, when compared with each of the other candidates, is preferred over the rest.) Weighting second preferences at ½ , the total preferences for the three parties in Election 2002 are Democrats: 62 (49 + 13); Greens: 49.5 (25 + 24.5); Progressives: 38.5 (26 + 12.5). In fact, in this example, it is the candidate who is the Condorcet *loser* (i.e., overall least preferred) who ends up winning.

(5) Because of preferential balloting, support for political parties can be measured in a couple of ways. One looks at the first-preference votes received by each party. The second works out what are known as the two-party-preferred results. The Australian Electoral Commission completes the transfer of all ballots to either the ALP or the National-Liberal coalition in every district, regardless of whether a candidate won an outright majority. It is argued that the two-party-preferred figures provide a more accurate means of comparing electorates and indicates how much distance there is between the two party groups that have dominated Australian politics since AV was first brought in. (It is also worth noting that AV was brought in as a means by which the parties in opposition to Labour could pool their support without amalgamating.) Over the long-term, the Australian Labour party and the Liberal party each gather in the neighbourhood of 40% of the vote. The National party (formerly the Country party), which has been in formal partnership with the Liberals for decades, receives around 5% - 8% of the first preferences and, because of its arrangement with Liberals, is the only smaller party to win seats in the lower house (averaging between 14 – 16 seats in recent elections). In eight elections between 1972 and 1987, no other parties and no independents secured a seat. Since 1987, in six elections, 15 independents have been elected, the most at one time being five (1996).

(6) To win a seat, a party must accumulate the ballots of a majority of voters, if not outright with first preferences, then with transferred second preferences, etc. This makes it very difficult for a party to build support gradually if voters show any reluctance to vote for a party with little or no chance of winning. In the last four elections, the Greens and One Nation have each on one occasion polled more first-preference votes than the Nationals, and the Democrats came close to

matching the National party's total on three occasions – none of these rival smaller parties has succeeded in gaining seats in the House of Representatives. In the 2004 election, support for the Democrats and One Nation was greatly reduced, although the Greens outpolled the Nationals in first-preference ballots by more than 150,000 votes.

(7) If one follows many observers in treating the Liberals and Nationals as essentially two factions within a party (known as "the Coalition"), the tendency to majority government is overwhelming.

(8) The Coalition was in power for 20 years from 1949 to 1969 (nine elections), followed by Labour for two terms (1972-77), the Coalition for two terms (1980-84), Labour for four terms (1984-96), and since 1996, the Coalition again, now in its fourth term.

(9) Since compulsory voting was introduced in 1924, turnout in Australian elections has been high and relatively stable, within a range of 93% - 96% over the past seventy-seven years.

3. Single Transferable Vote (STV)

Single Transferable Vote (STV) can be understood as AV applied to multi-member constituencies.[16] It is used in Ireland and Malta nationally, the Australian Senate, the Northern Ireland Assembly, and the state of Tasmania. Voters elect two or more candidates in multi-member districts, the seats going to those who accumulate enough preferences to meet the quota, usually determined by dividing the number of votes (v) by the number of seats plus one (s+1).[17] The mechanism is an ordinal or preferential ballot which allows voters to rank the available choices in a numerical order (1, 2, 3, 4, etc.). Any candidate who secures the quota is elected. If a candidate has more preferences than the quota, the surplus is distributed among the remaining candidates. If seats remain unfilled, candidates with the least support are successively removed from the running and their ballots redistributed on the basis of the next preference until all the seats are filled.

The Committee's evaluation of STV necessarily draws upon Ireland's experience as one of two national jurisdictions to have used this system over the long term.

The following table summarizes the Committee's evaluation of STV according to the criteria and measures explained above.

TABLE 3: ASSESSING SINGLE TRANSFERABLE VOTE (STV)

Criteria	Evaluation
1. Legitimacy	
Consistency with experience of Ontario voters	Weak (1)
Attracts engagement (participation)	Declining
2. Fairness of Representation	
Representation by population	Yes
Proportionality	Moderate to strong, depending on district magnitudes (2)
Encourages social representation	Weak – it has few compensatory mechanisms that allow parties to promote diversity (3)

[16] Technically, both Irish STV and Australian AV use a "single transferable ballot"; AV in single member constituencies, STV (or what is sometimes called PR-STV) in multi-member constituencies.

[17] The technical formula for the commonly-used Droop quota is (v/(s+1))+1.

3. Voter Choice	
Number of votes	One (for two or more seats)
Categorical versus preferential balloting	Preferential (optional)
Opportunity for vote-splitting	No
Number of candidates	Depends on number of parties and independent candidates
Number and diversity of political parties	Allows diversity, but weakens parties
Complexity	Depends on the number of candidates, number of parties, number of seats at stake, and the willingness of the voter to consider all of these variables (4)
Comprehensibility and transparency	Not fully transparent at constituency or national level (5)
4. Effective Parties	
Effective number of elective/legislative parties	Multi-party system (6)
Volatility from one election to next	Moderate
Accommodates new parties (effective threshold)	Accommodating (7)
Exploits or mitigates regional differences	Regional differences not pronounced
Stability of party system (age of parties)	Very stable (8)
Strength of party discipline	Strong (9)
5. Stable & Effective Government	
Likelihood of single party majority government	Rare
Likelihood of early elections	Common
Likelihood of continuity between governments	Strong pattern of re-electing government (10)
6. Effective Parliament	
Allows establishment of government and opposition	Yes
Contributes to or diminishes dominance of executive (especially of first minister)	If anything, contributes (11)
7. Stronger Voter Participation	
Competitiveness of elections	Mixed (12)
Average rate of participation	Weak (13)
Long-term trends	Declining (14)

8. Accountability	
Likelihood of single party majority government	Has become unlikely
Voting directly for members	Yes
Clear party platforms	Yes
Detailed coalition agreements	Yes (15)
Opportunity for vote-splitting	No
Proportionality	Moderate to strong, depending on district magnitudes

Notes on STV

(1) STV requires multi-member constituencies, which are at odds with Ontarians' preferences for "a strong and clear link between voters in a particular constituency and their representative." (Law Commission of Canada: 2004, p. 65) Particularly in northern and rural Ontario, multi-member constituencies would cover an enormous amount of territory. Two other features would at least be new to Ontarians – and this is not to pre-judge their legitimacy – namely, the use of an ordinal ballot, and having candidates of the same party in competition with each other.

(2) This is an issue on which there are serious trade-offs. Unless the average district magnitude (i.e., number of members per riding) is five or more, the system can at best be semi-proportional; magnitudes of five or more would create challenges in Ontario both in terms of the size of the population and the geographic extent of ridings. Irish Members are responsible for an average of 24,000 constituents, so that one five-member Irish district is the size of one Ontario riding (and a smaller one at that). Even in Ireland, the trend is towards more three-member districts, which reduces the proportionality of the system (unless, as one academic pointed out, smaller parties decline to contest the smaller districts).

(3) Advocates of STV suggest that multi-member constituencies allow parties to field "balanced" slates of candidates, should they wish to do so. On the other hand, it is also clear that most parties will not run "a slate" of candidates because to do so risks splitting their party's support. Given the proportional or semi-proportional manner in which the seats are allocated within the district, most parties have a fairly clear idea of how many seats they can reasonably hope to gain. Conventional wisdom is that parties expecting to win one or two seats should run only one or two candidates, and parties that might elect more should run only one candidate more than they can reasonably hope to elect. Two consequences follow: one, there is an overall reduction in the number of candidates (for all parties), and therefore of opportunities to run; two, when a party does run more than one candidate, however balanced its slate might be, these candidates are in competition with each other, in a way that they are not (for example) on a closed party list.

(4) Unlike Australia's AV, Ireland's STV is a system of optional preferences. One may indicate as few or as many preferences as one chooses. Therefore, voting may be as simple as marking an "X" beside one candidate (known as "plumping"), but can, in distributing all the preferences for all the candidates in a multi-member district, be a lengthy and intellectually engaging exercise.

(5) As in Australia's AV, a number of different outcomes are possible, including cases where candidates just short of the quota after the first count end up without a seat. STV, like AV, is susceptible to cases of counter-intuitive results, such as candidates whose final count is diminished by attracting more first preference ballots (i.e., non-monotonicity), and candidates elected who would not be if *all* preferences were counted (i.e., non-Condorcet winners). Because multi-member constituencies are involved, other oddities are possible, including the case of one incumbent who finished 2nd with 90% of the quota after the first count in a three seat district, but failed to win a seat, and the case of another candidate who was only 210 votes short of the quota after the first count but failed to be elected. A quick look at Irish election results reveals that in virtually every district, a majority of ballots are only counted once (i.e., the second, third, and subsequent preferences on these ballots are never considered). This is because the majority of candidates who ultimately reach the quota only do so after a transfer of preferences (i.e., they fall short on the initial count). As a result, their ballots are counted once and never examined again. The same is usually true of the last candidate to not be elected. Thus, most of the non-first preferences expressed by voters have no impact on the outcome. At the same time, it is the second, third, and fourth preferences of the least successful candidates that decide which candidates make the quota. In 1931, Winston Churchill reportedly described AV as taking account of "the most worthless votes of the most worthless candidates." [Note of Reservation by Lord Alexander, in *Report of the Independent Commission on the Voting System* (The Jenkins Commission), October 1998.]

(6) Support for political parties (and therefore all the other measures that are derived from party strength) in Ireland is measured by the first-preference votes received by each party. There is no attempt to work out, as in Australia, two-party-preferred results or anything similar. It appears, on the basis of the last two elections to the Dáil, that the party system may be in a state of transformation, with support for the top three parties falling below their historic averages, the emergence or re-emergence of parties such as the Greens and Sinn Fein, and a dramatic increase in the number of Independents.

(7) The threshold to win a seat is low, as evidenced by the presence of seven parties and 13 Independent TDs in Ireland's Dáil (Irish members are called TDs, short for *Teachta Dála*, or Deputy to Dáil Éireann). Given the small size of Irish constituencies (about 18,000 voters per TD) and the fairly low turnout (low 60%s), achieving a quota does not require many votes. The quota in the 2002 election was typically between 8,500 and 10,000 votes, but was as low as 6,487 in Dublin South East, where the final candidate elected received only 4,032 votes. (Often, the last candidate to be elected does not reach the quota, but is the second-last name remaining after the count has eliminated all other candidates.) The

trend towards three-seat districts makes the system both less proportional, and less accommodating to small or new parties.

(8) The top three parties (Fianna Fáil, Fine Gael, and Labour) go back to the 1920s, but there is more fluidity among the smaller parties. It is anticipated that Sinn Fein – which is the oldest party in the Dáil – will do very well in the next election.

(9) Theoretical arguments suggest STV might weaken party discipline, since it pits candidates of the same party against one another, and its tendency to allow the election of independent candidates provides a cushion for any member facing expulsion for repudiating the party's position(s). On the other hand, practice in Ireland shows that party discipline is more or less as absolute there as in any FPP system. According to one account, Fianna Fáil will expel any TD who abstains on a government bill, let alone votes against it [Mike Culpepper, writing in the debate over BC-STV in the *Nelson Daily News*]. What STV does accomplish is to focus TDs on their constituency, so that politics in Ireland is intensely local. This does not necessarily weaken party discipline, but could weaken parties as coherent and consistent architects and advocates for public policy. One commentator has noted as follows:

> By and large the main Irish parties tend to be run on personalist lines, which has meant that internal disputes have focused largely on personalities rather than on policies. Divisions exist within each of the four main Irish parties, though these have rarely impaired their ability to act as unitary actors when it comes to coalition bargaining. ["Politico-Administrative Relations under Coalition Government: The Case of Ireland," Bernadette Connaughton, Department of Government & Society, University of Limerick (2002), p.4.]

(10) Of the 23 parliaments since 1932, Fianna Fáil has been in government (alone or in coalition) for all but six, and during one of these (the 27th Dáil, 1992-97), FF led the governing coalition for the first two years.

(11) It has been argued that the localism of Irish politics, which keeps TDs focused to an extraordinary degree on constituency matters, strengthens the hand of the Executive.

(12) STV contests should be competitive on a number of levels, not just between parties, but also between candidates within a party, and also between party candidates and independents. Supporters of STV as an electoral reform option often state that under this model there are "no safe seats." On the other hand, the Committee learned that in Ireland, the average member (TD) is elected four times. In addition, the Committee learned that the presence of powerful political dynasties means there are, in practice many safe seats, safe enough to be "passed on" within the family. In a 1985 thesis on "Politics and Clientelism in Urban Ireland," Lee Komito has written:

> …people vote for the kinsman of a friend (or the friend of a kinsman). This is one reason for the large number of "family" seats, in which political office is virtually inherited. In the 1977 election, for example, 32 out of 148 elected TDs were related to previously serving TDs: 24 sons, 1 daughter, 3 widows, and 4 nephews (Nealon 1977:134). In the 1973 election, 37 out of 144 elected TDs were related to previous TDs: 31 sons, 1 daughter, 3 nephews, and 2 sons-in-law (Nealon 1974:119). Like party membership, family name commands voting loyalty.
>
> In a stable community, networks of family, kinsmen, and in-laws mobilize hundreds of votes. In many rural areas, the kinship network ensures a personal electoral base that is independent of the political party. In urban areas, social and residential mobility undermines such widespread networks of kinship and friendship, but it is still a factor. In Dublin, a good family name commands votes (e.g., Ryan, Lemass, Briscoe, Brady, Cosgrave, and Burke, to name a few), even from people who had no personal link with the politician. Sometimes, it also helps provide a personal network as well. In the case of Gerard Brady, he not only inherited his father's seat, he also benefited from having brothers. They deliver the votes of their friends and relations, and also votes derived from business contacts. Each brother went into a different profession, so the personal networks created by each brother tap different domains. In his case, the networks provided by the family are as vital as the family name, and the same is true of other Dublin politicians.

The point is not to suggest that STV encourages the development of such dynasties, but to observe that in Ireland it clearly places little in their way. Similarly, the Committee heard that in non-urban ridings, TDs will often establish virtual constituencies based on distinct geographic sections of the district.

(13) Turnout has been below 70% during the past four elections, and in 2002 was 62.6%.

(14) Turnout has declined from 76.6% in 1973 to 62.6% in 2002.

(15) "Since 1993, this has taken the form of an explicit agreement in the form of the Programme for Government. The current programme is entitled 'An Action Programme for the Millennium, 1997'. Such agreements are also seen as an insurance against a policy priority being rejected later by the other. On the other hand, if an issue is not already contained in the agreement, its ability to reach the government agenda at a later stage is greatly diminished." Connaughton, p. 9.

4. Mixed Member Proportional (MMP) & Additional Member System (AMS)

All MMP systems involve a legislature in which at least half of the members are elected in single member districts. The remainder are elected from party lists. With one notable exception (discussed shortly), MMP systems present voters with a double ballot (see sample in Appendix F): in one column, voters select from among candidates contesting their electoral district; in the second, voters select from a list of the political parties. The party vote, province or nation-wide, determines each party's seat share in the legislature.[18] The number of constituency seats won is subtracted from each party's total seat share to determine its number of adjustment or list seats. Thus, if a party polls 20% of the vote and is entitled to 20 seats, but has only won 12 constituency seats, it will receive 8 list seats to complete its complement. The list seats will be filled by individuals on a list prepared by the party, registered with the election officials, and sometimes printed (at least in part) on the ballot.

In Germany, the original model for MMP, the ratio of constituency to list seats is 50:50. The list seats are awarded on a proportionate basis to state (*Land*) lists, prepared by the political parties in conventions held for that purpose prior to the election. State parliaments (*Landtagen*) are elected in a similar fashion. The exception noted above is the election for the *Landtag* of Baden-Württemberg, which employs the "best runners-up model." In this state, voters cast a single ballot for a local member in what is essentially an FPP contest. However, the party totals state-wide determine each party's seat share in a 120-seat legislature. The winner (by plurality) in each of the 70 constituencies is elected (a direct mandate). The number of direct mandates each party has won is subtracted from its total seat share to determine how many proportional mandates it will gain. The 50 proportional mandates are filled by each party's non-winning candidates with the highest vote totals in each of the state's four administrative districts.

New Zealand, which adopted MMP for the 1996 election, and has now held four elections under that system, had a ratio of constituency to list seats in the recent (September 2005) election of 58:42. List seats in N.Z. are awarded on a country-wide basis. Scotland and Wales adopted a form of MMP called the Additional Member System (AMS) in 1997, and have held two elections each under AMS. In this variant, voters select a local member, and vote for a regional party list (in Scotland, there are eight regional constituencies of seven members each). The allocation of the list seats is proportional, taking into account the number of constituency seats won within the region.

The following table summarizes the Committee's evaluation of MMP according to the criteria and measures explained above.

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[18] This is subject to any legal threshold requirements, and or any provisions regarding "overhang mandates," (see Appendix D: Report on Travel to Europe).

TABLE 4: ASSESSING MIXED MEMBER PROPORTIONAL (MMP)

Criteria	Evaluation
1. Legitimacy	
Consistency with experience of Ontario voters	Mixed (1)
Attracts engagement (participation)	Good, but declining (2)
2. Fairness of Representation	
Representation by population	Yes (exception: B-W) (3)
Proportionality	Strong (exceptions) (4)
Encourages social representation	Good – party list is an effective mechanism for parties that choose to promote diversity (exception: B-W)
3. Voter Choice	
Number of votes	Two (B-W: one)
Categorical versus preferential balloting	Categorical
Opportunity for vote-splitting	Yes
Number of candidates	Depends on number of parties and independent candidates
Number and diversity of political parties	Allows diversity, depending on threshold (see next section)
Complexity	Relatively simple (5)
Comprehensibility and transparency	Transparent at constituency and national level (6)
4. Effective Parties	
Effective number of elective/legislative parties	Multi-party system
Volatility from one election to next	Varies (7)
Accommodates new parties (effective threshold)	Generally accommodating (8)
Exploits or mitigates regional differences	Mixed results (9)
Stability of party system (age of parties)	Varies
Strength of party discipline	Strong

5. Stable & Effective Government	
Likelihood of single party majority government	Unlikely
Likelihood of early elections	Not likely (10)
Likelihood of continuity between governments	Very likely
6. Effective Parliament	
Allows establishment of government and opposition	Yes
Contributes to or diminishes dominance of executive (especially of first minister)	If anything, diminishes
7. Stronger Voter Participation	
Competitiveness of elections	Competitive
Average rate of participation	Fairly high (11)
Long-term trends	Declining (12)
8. Accountability	
Likelihood of single party majority government	Unlikely
Voting directly for members	Yes (13)
Clear party platforms	Yes
Detailed coalition agreements	Yes
Opportunity for vote-splitting	Yes
Proportionality	Yes

Notes on MMP

(1) Voting for constituency Members in single member districts with FPP is familiar to Ontario voters, and consistent with their preference for having a local Member provide geographic representation. Having, in addition, a set of Members elected from party lists, whether "at large" (i.e., province-wide), or on the basis of regional constituencies, would be a departure from Ontario's electoral and parliamentary practice. The degree to which having Members elected on two different bases also means two different types of responsibility (and/or accountability), and/or two different types of status or legitimacy, is often an issue in MMP systems. It is possible that voters might view one type of Member as less legitimate (or accountable) than the other, but it may also be that voters will judge the legitimacy of the Members under MMP by how well the system performs in other respects. The matter of differential status (real or perceived) may be more of an issue for Members than for the general public.

(2) In addition to voter turnout, which is discussed further below, general levels of party membership and involvement tend to be higher in PR systems, and parties structure political activity at all levels, from the national state to the local council. Nonetheless, within these countries the trend is one of declining membership and participation.

(3) The "best runners-up" model, used in B-W to ensure that the party seat share matches vote share, results in constituencies with different numbers of representatives (from one to four). Although districts are initially drawn in accordance with representation by population, the seat allocation works in the opposite, although somewhat unpredictable fashion.

(4) The more the allocation of list seats is based on the overall vote totals, as in Germany and New Zealand, the more proportional the overall results. Using regional constituencies for the list seats reduces overall proportionality, and the smaller these regional constituencies, the more semi-proportional the results. Similarly, if the overall proportion of list seats relative to constituency seats is too small, full proportionality may not be possible.

(5) MMP ballots usually require the voter to select a candidate for the constituency, in the same manner as would be done in an FPP system, and on the other half of the ballot paper, express a party preference. While this is only marginally more complicated than a simple FPP ballot (in B-W, the ballot is a simple FPP ballot), apparently some voters in these systems do not understand the two different sides of the ballot, nor the opportunity for vote-splitting that this affords them. However, a survey of Scottish voters after the 2003 election (the second under AMS) indicated that only 1% found filling in the ballot "very difficult," 11% found it to be "fairly difficult," 33% found it to be "not very difficult," and 39% found it to be "not at all difficult." John Curtice, "Proportional Representation in Scotland: Public Reaction and Voter Behaviour," p. 7.

(6) The election of the constituency member is no different than the election of a candidate under FPP; the candidate with the most votes wins. The national results are transparent also in that the percentage of vote received by each party is reflected in its seat share. What may not be so obvious is the workings of the mechanism that allocates the list seats relative to the constituency seats to make the overall results consistent. In B-W, the proportional mandates go to parties' best non-winning candidates (i.e., the best "runners-up"); this can create a situation where a third-place candidate wins a proportional mandate as one of his or her party's best non-winning candidates, whereas the second-place candidate in that district does not gain a seat because he or she is either not highly enough rated among his or her party's runners-up, or because that party is not entitled to proportional mandates.

(7) The German party system (both nationally, and in B-W) displays a relatively low level of volatility: the Italian system, for a number of reasons – including the history of Italian parties and the effects of changes to the Italian electoral system –

generates considerable volatility. New Zealand, in the four elections under MMP, has presented mixed results, with some parties (like Labour) experiencing minor shifts, and some (like the National party) experiencing very large swings in support.

(8) As in any system in which single members are elected, the effective threshold to win *a* seat is the percentage of the electorate that is represented by one seat. What matters in a proportional system is the level of support at which a party that does not win a constituency seat (or does not win its share of seats) is guaranteed list seats. In Germany and New Zealand there is a legal threshold. In New Zealand, any party that wins one constituency seat is entitled to its proportionate share of list seats. In Germany, a party must win three constituency seats, or poll 5% of the national vote. In Scotland, the size of the regional constituencies means that an effective threshold of about 5%-7% stands between smaller parties and any reasonable certainty of representation. Italy's Parliament has recently passed electoral reforms that will return it to a list PR system using a graduated set of thresholds with various consequences attached to crossing each.

(9) The existence of plurality constituency contests allows parties to exploit regional differences more than they could under some other forms of PR, but this is mitigated by the list seats that are usually allocated in a way that prevents parties from being shut-out in regions where they did not have the majority. In Scotland, both Labour and the Liberal Democrats profit by having regional areas of strength, compared to the Scottish National Party and the Scottish Conservatives, whose support is more diffuse. Nonetheless, the regional list seats ensure that these latter two parties have representation in areas where otherwise they would have none.

(10) Of the countries with MMP, the one most likely to have an early election is Italy; however, Italy has been less prone to early elections under MMP than it was previously under List PR (to which it is about to return).

(11) The average turnout for the past five general elections in the three advanced democracies that use MMP is as follows: Germany: 79.2%; Italy: 85.2% New Zealand: 83.2%.

(12) Over the past five elections Germany's rate has remained stable (78%, 79%, 82%, 79%, 78%); Italy's has declined (89%, 87%, 86%, 83%, 81%); and New Zealand's has been unstable (85%, 88%, 85%, 77%, 81%).

(13) This is true only with respect to the constituency seats. One criticism of MMP is that voters have no say in the composition and ranking of the candidates on the party lists. It may be noted that in some jurisdictions, such as Germany, the party lists are determined in a state-wide party convention; voters who wish to influence the list rankings may do so from within the party. It is also possible to design some degree of voter choice with respect to the party lists. Regional party lists, for example, could employ an ordinal (i.e., preferential) ballot. In Sweden, voters may express a preference for one candidate on the party list, and, if sufficient support is generated, this may push that candidate to the top of the list.

5. A Note on the Size of the House

One aspect of the Committee's mandate not covered by the criteria it used to assess electoral models is the viability of these systems with respect to the "number" of Members. The following observations address the implications for the size of the House of implementing each of the alternative electoral models.

Alternative Vote (AV)

AV would require no modification to the number of Members or to the size of electoral districts.

Mixed Member Proportional (MMP)

MMP would involve the creation of a second tier of adjustment or list seats. To do this within the existing legislature would greatly increase the dimensions (geographic and demographic) of the single member districts, especially in northern and rural Ontario. A second tier of 26 adjustment seats (or about 25% of the size of the House after the next election) would leave 81 constituency seats, with an average population of around 154,000.[19] This would be especially problematic if there were a resolve to maintain a specific number of seats in any region of the Province.

The alternative is to increase the size of the Legislature by the number of list seats. Adding 26 seats (for example) to the 107 anticipated after the next election would bring the Assembly to 133 seats.[20]

The second issue that MMP might entail is whether or not to use regional constituencies for the adjustment seats (as in Scotland), or one province-wide constituency. In the former case, a body would need to be struck to determine which ridings to combine into regional constituencies, and how many list seats to assign to each regional constituency.[21] Even a "best runners-up model" would require a method of assigning an appropriate share of list seats to each part of the province.

Single Transferable Vote (STV)

Of all models considered, STV has the most serious implications for the number of members and the dimensions of constituencies. First of all, it requires multi-member districts. While Ireland's districts range from three to five members each, the districts for Northern Ireland's Assembly contain six members, a number more consistent with (a) achieving any proportionality, and (b) allowing parties other than the largest to run more than one candidate.

Assuming 107 Members in Ontario, an average of five Members per district would reduce the number of districts to about 21, including two (or at most three)

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[19] The proportion of 25% list seats is illustrative only, and reflects the low end of the range of second tiers in countries using MMP (e.g., Germany 50%; Scotland 43%; New Zealand 42%; Wales 40%, Italy 25%).

[20] Until the end of the 36th Parliament, the Ontario Legislature had 130 seats.

[21] It is not necessary that each regional constituency have the same number of seats, so long as each has a proper proportion of list seats based on its share of the provincial population.

in Northern Ontario. This would create some very large ridings geographically, and the average population would be more than 600,000 constituents per district, represented by four or five Members. This seems incompatible not only with Ontarians' experience of political geography, but also with the desire expressed by STV proponents to shift the balance of power from parties to voters and candidates. In a riding of more than a half-million people, only well-organized and financed parties will be able to campaign effectively. In Ireland, each TD (i.e., Member) represents about 24,000 constituents. On that ratio, the Ontario legislature would require about 518 Members. Ironically, while the Committee heard that one reason the BCCA arrived at a proposal for STV was that its terms of reference did not permit it to recommend increasing the size of the legislature, it is difficult to see how STV could work in Ontario without a sizeable increase in the number of Members.

In short, electoral reform would, in many cases, require Ontario to establish its own electoral boundaries commission to address matters such as the size and number of constituencies.

6. Comments on Excluded Systems

In considering alternative electoral systems, the Committee concluded that two options stray too far from the traditions and norms of Ontario democracy to merit more than a passing mention.

The Runoff (or Two-Round) majoritarian model used in France is designed, like AV, to assemble a majority for the winning candidate. Besides the inconvenience and cost of asking Ontarians to vote twice, on successive weekends, experts seem to agree that the run-off model offers few advantages over first-past-the-post (FPP).

The most commonly used electoral system among the countries of the OECD (17 of 30) is List PR (proportional representation), employing party lists in multi-member districts. Large multi-member districts (i.e., six or more seats) would be difficult to square with Ontario's population and geography, as noted above in the discussion of STV. Most List PR systems also employ a closed party list (meaning no opportunity to select or indicate a preference from among the names the party has determined, or to change the order in which they are ranked), which would involve further departure from the Province's political culture and traditions.[22]

[22] The Law Commission of Canada, which took a similar position in its report *Voting Counts: Electoral Reform for Canada* (Ottawa: 2004), notes that "using lists in which voters select their preferred candidates could ameliorate this feature." (p. 82) While this is true, it would add a further layer of complexity to what would be, at least initially, a completely novel voting experience for most Ontarians.

II. Referendum on Electoral Reform

The Committee's mandate includes considering the procedure "for the referendum to be held following a review of electoral reform by a citizen assembly … and [it] may make recommendations on the requirements for a winning referendum." Having heard from various experts in Ontario, and having consulted with electoral officials in a number of jurisdictions, the Committee has several observations and recommendations.

Number and Types of Referendum

In May 2005, in conjunction with the provincial election, British Columbia held a referendum consisting of a single question: "Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform? Yes/No".[23]

The Committee considered the suggestion that voters should have a prior question measuring their desire for change, as in the New Zealand two-stage process. The first stage of the New Zealand process was a non-binding plebiscite with two questions. The first asked voters to choose between reforming the electoral system and maintaining the *status quo*. The second asked voters to indicate, if the electoral system were to be reformed, which of four options they preferred.[24] The government had promised that if the option for change were supported, it would hold a second, binding referendum asking voters to choose between the preferred model for electoral reform (in this case, MMP) and the current system.

Considering the various options, the Committee observes as follows:

(a) if a citizens' assembly should recommend maintaining the current system, a referendum would be unnecessary;

(b) if a citizens' assembly should recommend a single option for reforming the electoral system (as did the BCCA), there should be one referendum consisting of a single question asking the voters of Ontario to support the electoral system proposed by the citizens' assembly or to maintain the current system; and

(c) if the citizens' assembly were to recommend or propose consideration of more than one option for reforming the electoral system, a two-stage referendum process would be necessary, as happened in New Zealand.

The Committee recommends that any proposal(s) from a citizens' assembly be as complete as possible in the essential details, in order to provide the

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[23] BC-STV is the proposal developed by the BCCA and shares the essential characteristics of the STV system assessed above. The BC-STV proposal did not finalize the number or size of electoral districts, and its proposed counting methods would differ from those used in the Irish system.

[24] The four options were STV, MMP, AV or SM (a form of MMP).

Legislative Assembly and voters with all the information they need to make their decisions.[25]

Explanation:
The Committee considered that any single question measuring support for a proposal from a citizens' assembly must be interpreted as also measuring the level of desire for change. A question simply asking "do you want change to the electoral system?" might be mystifying to many voters (to what? why? etc.), and a "yes" vote would provide no specific direction to the government. The establishment of a citizens' assembly is, in itself, a means of testing the desire for change.

The Committee considered the objection, raised by some in British Columbia, that voters were "locked-in" to the model proposed by the BCCA, and might have preferred a different model. If this level of choice is desirable, the terms of reference for an Ontario citizens' assembly would need to provide explicit instructions to return more than one option.

The Committee also considered if an Ontario citizens' assembly were to present two (or more alternate proposals) whether it would be possible to hold just one referendum, albeit with two questions: (a) do you support change? and (b) which of the change options do you prefer? In this scenario a positive answer to the first question would give the nod to whichever option was preferred in the responses to the second question. However, the Committee considered the following possible result:

		Yes	No	
Question (a)	"Choose change?"	**60%**	40%	
				Total
Question (b)	"Option X" or	**41%**	5%	46%
	"Option Y"	19%	**35%**	**54%**

In this hypothetical example, a clear desire for change is expressed, but it is those who are opposed to change whose preferred option goes forward.[26] A second referendum would provide a more accurate picture of the support for Option Y versus the *status quo*, and could conceivably produce the following result:

	Option Y	*Status quo*
Original Voting Yes to Change and ...		
Favouring Option X	25%	16%
Favouring Option Y	19%	0%
Original Voting No to Change and ...		
Favouring Option X	0%	5%
Favouring Option Y	0%	35%
Totals:	44%	**56%**

[25] In B.C., there was much uncertainty concerning the size and shape of districts under the proposed BC-STV model, enough to have possibly made a difference to the referendum result.
[26] Of course, given the secrecy of the ballot, it would be impossible to know if this had taken place, just as it would be impossible to keep those who voted against change from choosing one of the change options.

This illustration assumes that those who voted No to the initial question about change would continue to support the *status quo* in the second referendum, while a portion of those who favoured Option X would prefer to remain with the *status quo* than change to Option Y.

This example is not far-fetched, and reveals the care that is needed in interpreting referendum results. The first question indicates that desire for change is much stronger than desire to maintain the status quo. The second question indicates that Option Y has more support than Option X. What is hidden, at this stage, is the information that is only gained in the second referendum, when Option Y is put up by itself against the *status quo*, and it emerges that a majority would prefer no change to this particular change.[27]

Margin to Make Results Binding

In British Columbia, the referendum legislation stated that the vote was binding on the result of 60% (either Yes or No), plus a simple majority (the same way Yes or No) in 60% of the constituencies. The final result was 57.7% in favour of BC-STV, and a simple majority in favour of BC-STV in 77 of 79 constituencies. The B.C. referendum was thus not binding either way. Some have argued that it was therefore advisory, and provided a comfortable margin for the government to have moved forward with the proposal, if it had so wished.

In New Zealand, the referendum that brought in MMP was binding on the result of a simple majority (50% + 1 vote).

Arguments for a super-majority (i.e., anything more than 50% + 1) tend largely to be about whether or not changing the electoral system is too important to be undertaken with the barest of margins. The Committee heard of no other instance (other than in British Columbia) of an electoral reform referendum with a super-majority (i.e., not in Scotland, Wales, Italy, Ireland, etc.), and although most of the advice the Committee received was for a simple majority (50% +1), there were dissenting opinions. At the same time, the Committee was unhappy contemplating a situation such as that in B.C. where there is a "grey zone" where the result is fairly conclusive, but is not binding. Other possible conditions were

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[27] It would be interesting to go one step further and ask the question: "*Status quo* or Option X," particularly if it generated this type of result:

	Option X	*Status quo*
Original Yes to Change and ...		
Favouring Option X	41%	0%
Favouring Option Y	15%	4%
Original No to Change and ...		
Favouring Option X	0%	5%
Favouring Option Y	0%	35%
Totals:	**56%**	44%

Again, it is not too far-fetched to imagine a scenario where the supporters of one option (Y) are much more open to the alternative (X) than vice-versa.

discussed, such as requiring support in specific regions, or in rural versus urban ridings, or setting a threshold for voter turnout that would have to be crossed in order to validate the result.

The committee recommends that the referendum be binding upon a vote of 50% + 1, and the support of 50% + 1 in at least two-thirds (i.e., 71) of the ridings, or any other formula that ensures the result has support from Northern, rural, and urban areas of the Province.[28]

Timing of Referendum

The British Columbia referendum was held in conjunction with the provincial general election in May 2005. A second B.C. referendum has been promised in conjunction with province-wide municipal elections in 2008. A third option would be to hold a stand-alone referendum, like that held in Prince Edward Island. The advantage to a stand-alone vote is that other issues (e.g., the popularity of the government, etc.) may be less likely to intrude upon the vote than when these other issues are also on the ballot. The Committee heard that in B.C., the referendum issue largely disappeared from public discourse once the parties' election campaigns were up and running. On the other hand, the Committee believes it is important that as many Ontarians participate as possible in making such a fundamental decision, and suspects that turnout for a stand-alone vote is likely to be lower even than for municipal contests. In addition, there are advantages in convenience and administrative efficiency when holding the referendum in conjunction with another scheduled vote

The Committee recommends that any referendum on electoral reform be held in conjunction with a provincial general election.

Responsibility for the Referendum Question

In British Columbia's referendum, the question (*Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform? Yes/No*) appears to have been drafted by the Assembly and accepted by the government. In the press release accompanying the announcement of the second referendum, scheduled for 2008, the B.C. government notes that "A referendum question will be crafted by the government and will be debated and voted upon in the legislature." [*Press Release*, 12 September 2005] While visiting the Electoral Commission Office in Scotland, the Committee learned about guidelines that are used by the Office to advise the government on the objectivity and neutrality of the wording of referendum questions (see below in Appendix D).

The Committee recommends that responsibility for the referendum question(s) – including the wording and number of questions to be asked, *and*

[28] For example, one alternative might be requiring a simple majority (50% + 1) of votes cast in communities with a population of under 100,000 (just under 36% of Ontario's population – 2001 census).

the number of referendums to be held – rest ultimately with the Legislature, acting on the advice of the citizens' assembly, the Select Committee on Electoral Reform, and if required, Elections Ontario.

Public Education

Almost all observers agreed that the public education campaign for the British Columbia referendum in 2005 was under-resourced and ultimately unsatisfactory. It appears that the B.C. government has made a much stronger commitment for 2008 to fund "active information campaigns for supporters and detractors of each model." [*Press Release*, 12 September 2005]

The Committee recommends that Elections Ontario (or another appropriate and neutral body) be charged with the responsibility for ensuring that every voter receives adequate information about the arguments for and against each side of any question that is put to the people. It suggests that Elections Ontario (or another appropriate and neutral body) should also be asked at the earliest opportunity to prepare a plan for an effective, participatory, pro-active public education campaign, with an emphasis on enabling voters to participate in town hall meetings or other community forums.

The Committee believes it is important to fund the process by which public dialogue and debate can happen.

The Role of Elected Members

In the 2005 British Columbia referendum campaign, neither the Liberal government nor the NDP opposition took an official position on the question, although some individual MLAs did make their positions known. There was an expectation, though, that the Premier and cabinet would remain neutral throughout the process. For the second referendum, Premier Campbell has announced that "All MLAs, including cabinet ministers, will be free to speak and vote as they wish on the issue. The Premier will remain neutral."

The Committee believes there is a useful role for Members to play in promoting discussion and debate within their ridings, and that the perspectives and experience that elected Members have regarding the functioning of parliament, discipline within parties, running successful election campaigns, and dealing with the media, the public service, and other officials, should not be excluded from reflections on the way Members are elected.

The Committee recommends that:

(a) Members from either side of the House should not be constrained by their party leadership from taking part in any public debate and discussion of electoral reform, and should be encouraged to play a role in fostering public dialogue in their own ridings.

(b) The Association of Former Parliamentarians be asked to nominate one former Member from each of Ontario's three legislative parties to serve in an *ex officio* capacity on the Citizens' Assembly. These individuals would bring valuable experience and insight, but offer the disinterested perspective of those no longer holding office.

APPENDICES

A. EXPERTS INVITED TO ADDRESS THE COMMITTEE

Name	Date of Appearance
John Hollins, Chief Election Officer, and Loren Wells, Assistant Chief Election Officer, Elections Ontario	31-August-2005
Edelgard Mahant, York University	31-August-2005
Heather MacIvor, University of Windsor	31-August-2005
Janet Hiebert, Queen's University	31-August-2005
Brian Tanguay, Wilfred Laurier University	31-August-2005
Yves Le Bouthillier, President and Bruno Bonneville, Executive Director, Law Commission of Canada	31-August-2005
Sylvia Bashevkin, President, University College	31-August-2005
Henry Milner, Vanier College	31-August-2005
F. Leslie Seidle, Institute for Research on Public Policy	31-August-2005
Claude DesRosiers, Clerk of the Legislative Assembly of Ontario	6-October 2005
Robert Williams, University of Waterloo	6-October 2005
Patrick Boyer, University of Guelph	6-October 2005
Harry Neufeld, Chief Electoral Officer, British Columbia	6-October-2005

B. Other Witnesses and Submissions

Name	Date of Appearance
Green Party of Ontario (Rob Newman)	1-September-2005
Canadian Taxpayers Federation (Tasha Kheiriddin)	1-September-2005
Fair Vote Ontario (Joe Murray)	1-September-2005
Equal Voice (Rosemary Speirs, Kim Donaldson, Janet Ecker, and Frances Lankin)	1-September-2005
Freedom Party of Canada (Paul McKeever)	6-October-2005
Ontario Confederation of Regions Party (Eileen Butson)	6-October-2005
Communist Party of Canada (Ontario) (Elizabeth Rowley)	6-October-2005
Family Coalition Party of Ontario, (Giuseppe Gori)	6-October-2005
Nick Loenen	written submission
Federation of Urban Neighbourhoods of Ontario	written submission
Wilfred Day	written submission
Lucien Saumur	written submission

C. Report on Travel to British Columbia[29]

Introduction

On September 12, 2005, members and staff of the Select Committee on Electoral Reform travelled to British Columbia for meetings in Victoria and Vancouver. Members travelling to B.C. were Vice-chair Norm Miller (PC – Parry Sound-Muskoka), Richard Patten (L – Ottawa Centre), Michael Prue (NDP – Beaches-East York), and Monique Smith (L – Nipissing).

Who the Committee Heard

On September 13, 2005, in Victoria, the Committee met with the following:

- Craig James, Clerk Assistant and Clerk of Committees and Clerk to the Special Committee on the Citizens' Assembly on Electoral Reform (SCCAER); and Jonathan Fershau, Researcher to the SCCAER.
- Jeff Bray, currently the Executive Director of the British Columbia Liberal Caucus and formerly the Chair of SCCAER.
- Neil Reimer, Senior Policy and Legislation Analyst with the B.C. Ministry of the Attorney General, formerly with the Referendum Information Office established by the Ministry to provide information about the referendum held in May 2005 on the proposal by the B.C. Citizens' Assembly (BCCA) for a new electoral system called BC-STV.
- Jack MacDonald and Wendy Bergerud, former members of the BCCA. Mr. MacDonald has published a book on the BCCA process entitled: *Randomocracy*, which is highly regarded by the BCCA alumni.[30]
- Julian West and Bruce Hallsor, representatives of FairVote BC, and co-chairs of the unofficial "Yes" campaign in the BC-STV referendum. Both made formal presentations to the CA during its first session: Mr. West on STV, and Mr. Hallsor on a comparison of STV and MMP.

In Vancouver, on September 14, 2005, the Committee met with the following:

- Leo Perra, Director of Operations for the BCCA.
- Gordon Gibson, who was commissioned by the government to make recommendations concerning the design of the Citizens' Assembly.[31]
- Former BCCA members David Wills and Shoni Field, co-chairs of the Citizens' Assembly Alumni.

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[29] Italicized text within square brackets [*for example*] represents the Committee's reflections and commentary on what it heard.

[30] Jack MacDonald, *Randomocracy*. (Victoria: FCG Publications, 2005). Quotes from this volume appearing in the remainder of this section are cited by page number.

[31] Gordon Gibson, *Report on the Constitution of the Citizens' Assembly on Electoral Reform*, Report delivered to the Hon. P. Geoffrey Plant, 23 December 2002. More specifically, Mr. Gibson was asked to report on the "appointment, size, composition, and administrative structure of the Citizens' Assembly." (p. 6.)

In addition, in Vancouver, the Committee toured the Morris J. Wosk Centre for Dialogue, where the BCCA held most of its sessions.

What the Committee Heard

a) Concerning the Citizens' Assembly Process

The random selection process used was fair, and produced a Citizens' Assembly (CA) generally representative of the province, with a few exceptions.

The process contained an element of self-selection, in that those who were invited to consider membership in the assembly had to be willing to give up a considerable portion of time and energy over a period of many months (a minimum of 14 weekends after the initial selection meeting). As a result, there was over-representation in the 40-55 and particularly in the 56-70 cohort, as younger citizens and more elderly citizens were less likely and/or able to make the commitments necessary to serve. Similarly, there was less representation of more transient, marginally employed, and/or low income British Columbians.

Conversely, as Nick Loenen has described it, self-selection delivered "people [who] were as a group far more community minded and volunteer oriented than normal … [and] brought … an unusually high degree of past public service. This had not been anticipated but proved to contribute greatly to the smooth and competent functioning of the Assembly."[32]

The commitment required in order to be on the CA probably also meant that participation was more attractive to reform-minded individuals than those content with the *status quo*.

The Assembly was intended to be a non-partisan body and conduct its business in a non-partisan fashion. Although party membership was not a criteria for exclusion, any individual with an official party capacity (i.e., a current officer or official representative of a registered provincial party), or holding elected office, or having been a candidate in the past two elections (federal, provincial, municipal or regional), or having been an agent or representative of such a candidate, etc., was ineligible to be a member of the Assembly.

[The CA process attracted civic-minded individuals interested in reform, and lacking an official party connection. It is worth considering whether this combination of characteristics had any bearing on the CA's ultimate selection of STV over MMP, especially given the tendency to distinguish these two systems on the basis of the balance of power between voters and political parties (see further below).]

The autonomy of the Assembly from the government was identified as essential to its success.

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[32] "Lessons Learned," Written submission by Nick Loenen to the Select Committee on Electoral Reform, 14 September 2005, p. 2.

Similarly, (it was argued that) care should be undertaken to remove any partisan role from the electoral reform process; the independence of any citizens' assembly is what ensures its legitimacy.

A similar view was that the legitimacy of the process comes from having a body that mirrors the electorate and is disinterested and objective.

[Autonomy from government and autonomy from political parties (or from partisan perspectives) are not the same. While the interest of the government of the day may not be a legitimate consideration in the electoral reform process, it does not follow that the interests of political parties per se, *as permanent bodies that perform essential functions within the political process, are irrelevant or illegitimate. While political parties weren't precluded from making presentations to the Assembly, their input was not necessarily welcomed.]*

For example, there seemed to be considerable resentment among BC-STV supporters that neither the Green Party nor the NDP officially endorsed the BC-STV model, and in particular, that the Greens were actively campaigning for the MMP option even while the Assembly was doing its work. On the other hand, it is clear that the Greens have calculated that their own interests are much better served under the MMP system.

[The desire to remove "politics" from the process ignores the reality that choosing an electoral system is *a political act. While the government and the official opposition chose to remain largely silent and neutral during the campaign for the 2005 referendum, Premier Campbell, commenting on the recent Throne Speech promise of a second vote in 2009, has indicated that all MLAs, including cabinet ministers, "will be free to speak and vote as they wish on the issue."*[33]

The idea that the selection of an electoral process can be a disinterested and objective exercise is at odds with the observation that electoral systems involve trade-offs between different values such as proportionality, geographic representation, voter choice, effective parties, social representation, effective government, etc. Ultimately, the decisions about which trade-offs are acceptable and which values will be primarily reflected in an electoral system are political decisions – there is no objective and disinterested way to make them.]

Gender balance contributed greatly to the success of the Assembly. It should be noted that the government deliberately departed from Mr. Gibson's advice on this point and required the selection process to ensure one man and one woman from each electoral district.

The increase in the Assembly's membership increased costs, and as a result of budget restraints, kept the Assembly from carrying out all the public education projects that it had originally intended.

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[33] B.C. Office of the Premier, "B.C. to hold second referendum on electoral reform," *Press Release*, 12 September 2005.

It is essential to give the Assembly a mandate that is clear and limited – in this case, to the selection of a mechanism for translating votes into seats, excluding other democratic reform options such as quotas or reserved seats for women or aboriginal peoples, or compulsory voting.

Whereas some have argued that the electorate should have had the option of choosing between MMP and STV, the process was designed to provide only one option and thereby avoid "confusing the public with a smorgasbord of options." (Gordon Gibson)

[The New Zealand referendum of 1992 involved a two-stage vote: one question asked voters to choose between the status quo and electoral reform, the second asked voters which of four reform proposals they preferred. The four options were the Supplementary Voting system, the STV system, the MMP system, or the Preferential (Alternative) Vote system. MMP received almost 71%. It should be noted that a Royal Commission had been appointed in 1985 to consider electoral reform, and in December 1986 it recommended replacing the existing FPP system with MMP, subject to popular ratification in a referendum. In short, more than five years elapsed between the release of the Royal Commission's report recommending MMP and the referendum in which voters had a chance to choose between MMP and the other options, time enough, presumably, to become familiar with these options.]

The legitimacy of the Assembly was also enhanced by having a clear, effective and transparent work process so that the public could understand the way that the body reached its decisions.

b) Concerning the Special Committee on the Citizens' Assembly

Although the British Columbia Legislature passed two motions on April 30, 2003, one "supporting the creation" of a Citizens' Assembly, the second authorizing and appointing the Special Committee on the Citizens' Assembly on Electoral Reform (SCCAER), the CA was a creature of the government rather than the legislature, created by an Order-in-Council.

The oversight role of the SCCAER was limited, by its terms of reference, to approving the appointment of Dr. Jack Blaney as Chair of the Citizens' Assembly, to approving the appointment of other senior staff as recommended by Dr. Blaney,[34] and to receiving periodic reports from the Chair on the progress and work of the BCCA.

Following the approval of senior staff, the SCCAER made no other decisions affecting the BCCA, but received periodic updates from Dr. Blaney – this provided Members an opportunity to ask questions about the work of the BCCA.

A former chair of the SCCAER (Jeff Bray) indicated that having the Chair of the CA report to the SCCAER had worked well in that it maintained the autonomy of

[34] In each case, the terms of reference stipulated unanimous approval.

the BCCA, but provided a measure of oversight by allowing the committee to have dialogue with the Chair.

c) Concerning the Referendum

The BCCA delivered its final report in December 2003. The Referendum Information Office (RIO) was set up by the Ministry of the Attorney General with a budget of $710,000, and was in operation from January 2005 until the vote on May 17, 2005.

The RIO maintained a web site, a toll-free call centre, conducted one household mailing, and produced print advertising. It also partnered with Elections BC in developing the slogan "This Election Vote Twice" to highlight the conjunction of the referendum and the provincial election.

The RIO received 500 email inquiries; around 4,200 calls to its toll-free line; and approximately 20,000 independent visits to its web site. The householder was printed in English, French, Punjabi and Mandarin.

[*Apart from producing and delivering the householder, the efforts of the RIO were more reactive than proactive; the website, email and toll-free phone line all required interest on the part of the electorate, and the actual numbers of those accessing services suggest that the level of interest was not high.*]

Almost all commentators agreed that the information campaign was under-resourced and/or ineffective, and that many voters went into the referendum not clear about what they were voting on.

The referendum may have been overshadowed by the provincial election campaign, and there is always the possibility when holding a referendum in conjunction with an election that the attitudes voters bring to the election will influence their referendum vote. [The vote in 2008 will be held in conjunction with municipal elections, in which turnout is typically much more uneven.]

The budget for the BCCA was $5.5 million, and Fair Voting BC requested the government spend $1 per voter ($3 million) on a multi-media public education campaign. Others suggested equal funding be provided for both Yes and No campaigns, something that would require recognizing formal Yes and No organizations. Others (e.g., Gordon Gibson) argued against formal Yes and No committees on the basis that the leadership structure would have "tainted the process," by associating specific political parties and/or interests with one side or the other.

Many supporters of BC-STV argue that the referendum threshold of 60% was too high, and that a simple majority of 50% plus 1 vote should have been sufficient to make the referendum binding.

It was also pointed out that the actual vote of 57.7% (with a simple majority in 77 of 79 ridings) was commonly presented as a *failing* vote, when, according to the

actual wording of the legislation, it simply represented a result that is non-binding upon the government. Under the Act, for a result (*either* Yes *or* No) to be binding, it must have the support of 60% of the vote and a simple majority (voting the same way) in at least 48 ridings. Thus, while the result did not bind the government to implement BC-STV, neither did it bind the government not to implement BC-STV. In this regard, it has been argued that the result was advisory, and that the government could have chosen, if it wished, to implement BC-STV. In fact, *not* to implement BC-STV could be interpreted as taking the advice of the 42% who voted No rather than the advice of the 58% who voted Yes. This is something the government may wish to consider should the result of the 2008 referendum produce a similarly strong but non-binding result.

[*The circumstance of having a result which is non-binding in either direction is a direct result of establishing a threshold of 60% for* either *option. There are two ways to avoid this. One is to clearly indicate that only one option will be binding if it reaches the threshold* and *to indicate which option that is. The other is to conduct a binding referendum on the basis of a 50% plus 1 vote margin. In the latter instance, any vote clearly binds the government.*]

d) Concerning BC-STV

[*The Committee travelled to B.C. with a fairly clear understanding of how the STV voting system works. One of its interests was to understand why the CA preferred STV so overwhelmingly to MMP, especially in light of the trend in former FPP jurisdictions to adopt (e.g., New Zealand, Scotland, Wales) or to recommend (e.g., Quebec, New Brunswick, Prince Edward Island) some form of MMP. Neither the Assembly's Final Report nor the more extensive Technical Report explains the basis for the CA's decision to recommend STV.*]

British Columbia has had a very polarized and adversarial political culture, pitting an electoral coalition of liberals and conservatives under first the Social Credit and latterly the Liberal party banners against the New Democratic Party. In the past two general elections, the Green Party has averaged more than 10% of the vote, but has won no seats. In the 2001 election, the Liberal Party, with 57.6% of the vote (ironically, a level of support almost identical to the BC-STV referendum result) won 77 of 79 seats. These and many other examples explain the willingness among B.C. voters to consider replacing FPP with some form of proportional representation, as well as a marked anti-party sentiment. The recent results also make clear why the Green Party would favour an MMP system that could guarantee it a proportion of seats commensurate with its share of vote. An STV system, with ridings from 2 to 7 seats, would not guarantee as great a degree of proportionality.

CA alumni indicated that the CA favoured STV because it is seen to enhance the role of voters and candidates, as opposed to MMP, which is seen to enlarge the role of parties in the candidate selection process.

The "core values" that informed the work of the CA were proportionality, effective local representation, and voter choice. In addition, there was concern

expressed about "the current imbalance of power between voters and parties." (Jack MacDonald, p. 12)[35]

The CA interpreted its terms of reference as giving it no mandate to recommend a change in the size of the legislature. This was one reason why it did not favour the MMP model, because the creation of a group of "at large" or "list" seats would have required fewer, and therefore much larger, single member constituencies. Two other principal concerns about the MMP model were (a) that lists for proportional seats would further the imbalance between voters and parties, because "parties would nominate and order the lists," (Jack MacDonald, p. 38) and (b) that MMP would create "two kinds of MLAs" with different status and legitimacy (p. 39).

[It should be noted that the concern about the role of the party in MMP was also raised as a concern with respect to party list PR systems: "Such systems simply gave too much power to the party officials who got to determine which candidates go on the list, and in which order."(JM, p. 35). There is no acknowledgement here of systems (as in Germany) where the party lists are determined in province-wide conventions in which all party members have an equal say in determining the outcome. While the existence of open lists is acknowledged, they are dismissed because "Where such open-list systems exist, however, the practice in fact seems to be that many, indeed most, voters don't exercise this choice and end up just voting for the party of their preference."(p. 35)

Concern about two types of Member is backed up by reference to dissatisfaction in Wales, without reference to the experience of other jurisdictions with a much longer history of having constituency and list seats (such as Germany, New Zealand, or even Hungary, where there are three types of seats).]

According to Jack MacDonald (and this was echoed by other CA alumni with whom the Committee met), the CA valued STV for the following reasons:

1. STV puts a premium on voter choice and enhances the power of voters as opposed to that of parties.
2. Multi-member ridings, combined with preferential voting, results in fairer, more proportional results among parties.
3. The fact that candidates must pay close attention to voters because they are seeking not only first preference votes, but also second preference, means that voters have a better chance of receiving more effective local representation.
4. Not only do voters have more choices of candidates to vote for, but they also have a greater choice of MLAs to hold accountable for the

[35] The Final Report of the BCCA describes this concern as follows: "There is a groundswell of opposition in the province to the current imbalance of power between voters and parties. Indeed, some ... called for banning parties on the grounds that they so dominate electoral politics that local representation is undermined by party discipline and practices, and voter choice is stifled." (*Technical Report*, p. 5).

constituency's interests. Because of proportionality, it is more likely that a citizen will find an MLA who is more in tune with the citizen's thinking and values, than is the case in a single-member constituency.

5. The Droop quota [see Glossary] is a significant enough threshold to avoid the prospects of a very fragmented legislature with many single-interest micro-parties.
6. It is more possible for independent candidates who have broad and deep support in a riding to be elected, thus enriching the representation in the Legislature. (JM, p. 47)

[Re: 2, multi-member STV ridings produce more proportional results than do FPP single member districts, but depending on district magnitudes, may not be as proportional as an MMP system. One co-chair of the CA Alumni, David Wills, presented the Committee with copies of simulations he has prepared of various voting outcomes in different PR models. He notes that results in Ireland's 3-member districts are as proportional as the results in the 5-member districts only because fewer parties contest these districts, and surmises it is because other parties have judged the quota will be too high (which also has implications for point 4). Conclusions about the proportionality of STV in BC would be premature without greater detail about the district magnitudes that would prevail.

Re: 3, an alternative view is that a member need only satisfy and retain the support of that portion of the riding that will provide sufficient first preference votes for the quota in the next election. For example, in a 100,000 vote riding, with five candidates, the Droop quota is 16,668. Under STV, so long as a member can satisfy one-sixth of the constituents and secure their first preference, he or she need not worry about the preferences (first, second or otherwise) of any other voters.

Re: 4, some CA members seemed not to appreciate the fact that STV would actually reduce the total number of candidates running in an election. Under FPP, most parties strive to field a candidate in as many ridings as possible. Under STV, a party must be careful not to dilute its vote by running too many candidates. The accepted strategy is to run only one more candidate than the number of seats one has a reasonable expectation of winning. So, in a hypothetical 5-seat, 100,000 vote riding, a party that historically attracts 20% of the vote will run at most 2 candidates, and perhaps only one, as opposed the five it would have fielded in the equivalent single member districts.

Also re: 4, the classic problem with a multi-member district is to determine what the responsibility is of the various members for constituency matters, and for the voters to decide who to hold accountable for inattention to their concerns.

Re: 5 and 6, these two statements are contradictory and inaccurate. As noted above, the Droop quota only applies within each particular district, and thereby determines the quota to win a single seat in the B.C. legislature. In a five seat district, the quota will be one vote more than one-sixth of the votes cast. That is

all that is required for a member of any party or an independent candidate to be elected (in other words the effective threshold is the same for independents and micro-parties). Within a constituency, support would not need to be broad and deep; it could be narrow and concentrated, so long as it delivered enough first preferences to meet the quota. If we were to assume that BC-STV created constituencies that averaging 5 members (15 with 5 members and 1 with 4), the average Droop quota (and the effective threshold of entry into the legislature) would be 1/95th or less than 1.1% of the total votes cast. This is closer to the effective threshold of legislatures with a national constituency, such as Israel or the Netherlands.]

The Committee asked if and/or how BC-STV might address the issue of gender imbalance, or similar concerns about social representation. According to CA members, advice on this question had been sought, and an expert brought in to share her research with the Assembly. The CA members were told that the type of electoral system does not make a difference to gender representation, the significant factors being rather, the existence of a "culture" of inclusion, and the presence of political parties that are committed to achieving gender balance. (see JM, p. 49-50)

[At least one of the experts appearing before the Committee in Toronto (Dr. MacIvor) noted that "a mixed electoral system can enhance the representation of women and minorities in the legislature, but ONLY if the parties compile lists of candidates which reflect the demographic makeup of the electorate."[36] One of the lessons this example may provide is the importance of ensuring that a Citizens' Assembly not be dependent on too narrow a range of expertise on any of the subjects it considers, particularly if there is a diversity of views within the community of scholars from which that expertise is drawn.]

The Committee noted that some electoral systems may provide more opportunities for political parties that are committed to improving the gender balance than others. CA alumni were asked if there were any specific incentives that STV provides for parties to promote female candidates, and the suggestion was that it might be in a party's interest to field a balanced group of candidates (as parties might do in a list system, but without the list).

CA alumni agreed with the suggestion that under STV, candidates from the same party are in competition with each other as well as with candidates from all the other parties and independents, and did not see any negative outcomes arising from such competition (e.g., such as party infighting, intense localism at the expense of a larger perspective, a party's male candidate(s) competing against its female candidate(s) rather than each supporting the other, etc.). As Jack MacDonald put it: "The internal competition – even within a single party – for the allegiance of the voters in a multi-member STV riding can be intense. This is a benefit, and not a hindrance, for voters needing help from their MLA." (p. 73)

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[36] Dr. Heather MacIvor, "Choosing a New Electoral System for Ontario," Presentation to the Select Committee on Electoral Reform," August 31, 2005, p. 8 (emphasis in the original).

A similar point raised by the Committee with the supporters of BC-STV is that by moving from 79 single-member ridings to 15 to 16 multi-member ridings, the total number of electoral candidates would decrease dramatically. Whereas a party like the Green Party of B.C. would presently run a candidate in all 79 single-member ridings, it would likely only nominate between 20 to 30 candidates in total under BC-STV (assuming it followed the rational strategy of not splitting its vote, and assuming constituency sizes of two to seven, as the CA recommended). Even the largest, most successful parties would run fewer candidates under STV than they do under FPP. One consequence would be fewer places for aspiring politicians, fewer opportunities to gain experience in running for office, and tighter battles within the party to gain the coveted nominations. The implications of this for all candidates, let alone those from segments of society currently underrepresented, did not seem to be appreciated by the BC-STV supporters with whom the Committee spoke.

Conclusion

Committee members who travelled to British Columbia were very impressed with the entire Citizens' Assembly process, from its design to its execution. The Morris J. Wosk Centre for Dialogue is an excellent facility providing the infrastructure needed for the work of a citizens' assembly, and anyone seeking to carry out a similar exercise would be well-advised to seek such a venue.

The Committee was also struck by the dedication, passion, and continuing interest shown by the Citizens' Assembly members. BC-STV could not have more articulate and committed advocates than those who addressed the Committee.

D. Report on Travel to the Federal Republic of Germany, Scotland, and the Republic of Ireland[37]

Introduction

On September 17, 2005, members and staff of the Select Committee on Electoral Reform traveled to Europe for meetings in Stuttgart, Edinburgh, and Dublin. Members traveling to Europe were Wayne Arthurs (L – Pickering-Ajax-Uxbridge), Kuldip Kular (L – Bramalea-Gore-Malton-Springdale), Michael Prue (NDP – Beaches-East York), and Norm Sterling (PC – Lanark-Carleton).

Who the Committee Heard

Stuttgart

On September 19-20, 2005, in Stuttgart, the Committee met with the following:

- Mr. Ulrich Lochmann, Director of the Baden-Württemberg *Landtag*.
- Professor Doctor Oscar W. Gabriel, Department for Political Systems and Political Sociology, Institute for Social Sciences, University of Stuttgart.
- Mr. Jürgen Schmitz, Director of the *Landtag* Press Conference.
- Mr. Michael Hausmann, Office of Statistics of the City of Stuttgart (electoral office).
- Mrs. Christiane Friedrich, Provincial (i.e., *Land*) Supervisor of Elections, Ministry of the Interior.
- Mr. Frieder Birzele, Deputy President of the Baden-Württemberg *Landtag*, and elected members from the Social Democratic Party caucus.
- Mr. Ministerialdirigent Dr. Claus-Peter Clostermeyer, Director of Department V, Ministry of State, Baden-Württemberg.
- Mr. Lothar Frick, Director, Provincial Institute for Political Education.

Edinburgh

On September 22-23, 2005, in Edinburgh, the Committee met with the following:

- Paul Grice, Clerk/Chief Executive of the Scottish Parliament.
- Professor Richard Kerley, Dean of Business and Arts, Queen Margaret University College, former chair of the Scottish Executive Working Party on Renewing Local Democracy (2000).
- Lord James Douglas-Hamilton MSP (Conservative), Jamie Stone MSP (Liberal Democrat) and Margaret Ewing MSP (Scottish Nationalist Party).
- Right Honourable George Reid MSP, Presiding Officer of the Scottish Parliament.

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[37] Italicized text within square brackets [*for example*] represents the Committee's reflections and commentary on what it heard.

- Patrick Harvie MSP (Green Party), Alex Johnstone MSP (Conservative), and Tricia Marwick (Scottish Nationalist Party).
- Dr. Annis May Timpson, Director, Canadian Studies Centre, University of Edinburgh; and Steven Kerr, U.S. and Canada Policy, International Division, Scottish Executive.
- Professor Nicola McEwen, Department of Politics, University of Edinburgh, and Member of the Arbuthnott Commission on Boundary Differences and Voting Systems.
- Professor John Curtice, Deputy Director of the Centre for Research into Elections and Social Trends (CREST).
- Andy O'Neill, Head of the Electoral Commission Office (Scotland).
- Councillor Andrew Burns (Edinburgh), Nigel Smith, Amy Rodger, and Dr. James Gilmour, members of Fairshare.[38]

Dublin

On September 26-27, 2005, in Dublin, the Committee met with the following:

- Mark J. Moher, Canadian Ambassador to Ireland.
- Maurice Coughlan, Barry Ryan, and Mary Ryan, Department of the Environment, Heritage and Local Government.
- Deputy Sean Haughey, Vice-Chair, and Senator Cyprian Brady, member of the Oireachtas Joint Committee on the Environment and Local Government.

What the Committee Heard

General Observations

All three jurisdictions visited have proportional representation election systems and coalition governments.

Both the Germans and the Irish have had their electoral system for several generations and, in each place, the Committee heard no talk of electoral reform.

The Scots have had their existing parliament (at Holyrood) for only six years, through two elections, and to date, the AMS model has received mixed reviews. The Clerk, the Presiding Officer, and four of the six MSPs with whom the

[38] "Fairshare is a cross-party and non-party organization set up in 2001 to campaign for the introduction of the Single Transferable Vote system of Proportional Representation (STV-PR) for local government elections in Scotland." Note: STV-PR is a term used in the U.K. to describe the use of an STV ballot in multi-member constituencies (as in Ireland, or as proposed in B.C.). Because the Labour-Liberal Democrat Executive in Scotland has agreed to introduce STV-PR for local elections, Fairshare is now campaigning "to reform the voting system for elections to the Scottish Parliament through the adoption of STV-PR." (Fairshare handout to the Committee).

Committee met spoke positively about AMS; two MSPs, several academics, and members of Fairshare suggested STV would be a better PR model for Scotland.

Co-incidentally, all three jurisdictions have a party system in which one party is traditionally dominant; without PR, many (if not most) of the other parties in these legislatures would not be there. In each case, the dynamics of the political process is shaped by the effect of having one dominant party. In Scotland, it seems that the dominance of the Labour party is a key factor influencing the early experience and analysis of AMS.

In each case, also, the Committee became aware of the intimate connection between the electoral and party systems on the one hand, and the political culture and history on the other.

Scotland is the only jurisdiction (of the three) to have recently experienced electoral reform, and it did so hand in hand with the creation of a new parliament with new practices and rules designed for the type of party system and coalition government that were expected to follow from the introduction of a PR electoral system.

Coalition government seems to be unproblematic in each of these jurisdictions.

Concerning the Mixed Member Proportional (MMP) System in Germany

The Federal Election

The Committee arrived in Stuttgart on the evening of the general election to the federal *Bundestag*, and members were fortunate enough to attend the election night coverage held for Baden-Württemberg Deputies and the press at the *Landtag*. The closeness of the election results was something of a surprise, and created a considerable degree of uncertainty and accompanying concern about the composition and leadership of the next government. Baden-Württemberg is a Christian-Democratic stronghold,[39] and consequently there was much general disappointment that the double-digit lead that the CDU had in the polls when the election was called had evaporated to less than two percentage points on election day.

Proportionality valued

It was clear that proportionality is a central value within the German political culture, as electoral officials explained in great detail the "bias" created by using the d'Hondt series of divisors (see *Glossary*) rather than other methods (although in one case, there would have been no difference; and in the other, there would have been the addition of one more seat – explained below.)

Similarly, while Deputies agreed with the suggestion that a single-party government is better situated than a coalition government to take decisive action

[39] The Christian Democratic Union has finished first in every election since 1952, and has governed Baden-Württemberg, alone or as the senior coalition partner, since that time.

when required, they also made it clear that they would not sacrifice proportionality in order to "manufacture" such a majority.

Overhang seats and their balancing

At least two features of the Baden-Württemberg electoral system distinguish it from the system used for the German *Bundestag* (and for most other *Landtagen*). The first, which may seem a minor point to an outside observer, but is regarded as quite significant in Baden-Württemberg, is that any overhang seats (see below) are "balanced." This means that other parties may also gain seats when the d'Hondt formula is applied to award the overhang seats, something that does not happen at the federal (*Bundestag*) level. For example, in the 2001 election, in one Baden-Württemberg region, the CDU was entitled to 20 seats, based on its vote share, but had won 24 districts. The formal allocation of the four overhang seats for the CDU produced two more seats for Social Democratic Party. In another region, the CDU had two overhang seats, and no other party gained as a result. In total, then, for the 2001 election, there were eight additional seats, six of which were overhang seats, and two of which were "balancing" seats.[40]

Overhang Seats in the German *Bundestag*

(1) In the German system, the overall number of seats for each party is determined by its share of the party vote. So, in a 600 seat legislature, a party winning 33% of the vote is entitled to 200 seats.

(2) For the *Bundestag*, the number of seats for each *Land* is determined according to the proportion of the party's vote in that *Land* (just as for Baden-Württemberg's *Landtag*, the number of seats is determined for each of four administrative regions). So, if Saxony returned 15% of the party's national vote, it would receive 15% of the party's national seats (i.e., 30 seats).

(3) The number of constituency seats won by the party in Saxony is then subtracted from the total to determine how many list seats will be filled from its Saxony list. So, if the party won 25 constituency seats in Saxony, it would fill 5 seats from its Saxony list.

(4) It is possible, though, that a party might win *more* constituency seats than its share of vote in the *Land* entitles it to. For example, it might have won 32 constituency seats in Saxony. Under the German constitution, these two extra or "overhang" seats are retained by the party, and the size of the *Bundestag* is increased accordingly (and only for the life of this parliament).

Best Runners-up model

The second and most significant departure of the Baden-Württemberg *Landtag* electoral system is that voters cast only a single ballot, choosing among the candidates in their local district. Contrary to most MMP systems, there is no second vote for a national or regional party list. In Baden-Württemberg, the vote

[40] It is actually with respect to the "balancing" of overhang seats that election officials pointed out the "bias" created by the d'Hondt formula. Had the Neimayer formula been used, in this case, there would have been a balancing seat in the region that had two overhang seats, awarded to the Free Democrats, and increasing the size of the parliament to 129 Deputies.

is counted twice; once to determine who wins the local constituency, a second time to determine overall party support. There are two obvious consequences: (1) there is no opportunity for vote-splitting; and (2) there is no party list from which to fill what are normally called the "list seats." Instead, the additional seats are filled on the basis of each party's most successful non-winning candidates. Since all seats are effectively constituency seats, the distinction is made in Baden-Württemberg between direct mandates (those winning in a district) and proportional mandates (the others). This is sometimes called the "best losers" or "best runners-up" model.

In Baden-Württemberg, the number of proportional mandates to which each party is entitled is calculated and then apportioned among the four administrative regions in proportion to the party's vote in each region. In 2001, for example, almost half of the votes for the Free Democratic Party (FDP) were cast in the Stuttgart administrative region. Correspondingly, five of the FDP's 10 seats were assigned to the Stuttgart region, and went to the five FDP candidates in this region with the highest number of votes (four of whom actually finished third in their constituency).

Departure from representation by population

A consequence of this method of allocating adjustment seats is considerable variation in the number of members returned from each of the 70 electoral districts. As of the 2001 election in Baden-Württemberg, 25 districts have one deputy, 33 districts have two deputies, 11 districts have three deputies, and one district (Nürtingen) has four deputies. In part this is a function of the population of the district, in part it depends on the distribution of votes among the parties in the district.

Two classes of member?

One of the concerns often raised about MMP is that it creates two classes of members, the implication being that those who were directly elected have a superior claim to those who simply "got in on the list." In Baden-Württemberg, one might expect even more of a differential status to be accorded those who finished first in their constituency as opposed to those who finished second, or third, etc.

The Committee asked deputies if there is any difference in status between the deputies with a direct mandate, and those with proportional mandates. The response from one member (a runner-up) was that those who finish first in their constituency never fail to mention it when speaking in the *Landtag*, as if to claim greater legitimacy and identify themselves as the primary spokesperson for their constituency. One member spoke, without being more specific, about "soft differences." Otherwise, the general indication was that all deputies are effectively equal in status. One reason this might be more true in Baden-Württemberg than in some other mixed member systems is because with one vote there is less of a distinction between the two types of members, if it is even accurate to describe them as two "types". The presentation by election officials on how seats are allocated in Baden-Württemberg could be summarized as follows. Each party's proportion of votes in each of the four administrative

regions determines its share of seats in that region. Seats go initially to candidates finishing first, and any seats still unfilled go to the remaining candidates with the highest vote totals. Explained in this way, all members are elected in the same fashion; some have just received more votes than the others.

Constituency responsibilities
Another issue with respect to MMP has been responsibility and accountability for constituency matters, something of great importance in Scotland (as the Committee would learn in Edinburgh), but which appears to be less of a concern in Baden-Württemberg. The expectations of members with respect to constituency matters seem much lower in Baden-Württemberg than elsewhere, and this may be in part due to a different tradition of public service and the role of administrative law courts. The other important element may be that most Baden-Württemberg deputies treat their position as a part-time office (all Baden-Württemberg deputies receive a part-time stipend). Their time is primarily spent in committees, and in plenary sessions of the parliament.

Conduct of parliament
Members of the *Landtag* were asked if the style of parliamentary politics in Baden-Württemberg is more consensual than adversarial (as is sometimes claimed concerning systems where coalition is the norm). The response was that this matters more at the federal level, in part because of an upper chamber (the *Bundesrat*) that effectively represents the interests of the *Länder*, and in Germany, as in Canada, it is not unusual for the parties that are not in the ruling coalition at the federal level to be in the ascendance at the state level. [*On the other hand, the members answering this question were from the Social Democratic Party, which has been the primary opposition to the government in Baden-Württemberg for more than 50 years. It is to be expected that where the roles of government and opposition are so entrenched with specific parties that their relationship would be more adversarial than in situations where coalitions are more likely to involve regular changes of partners.*]

The seating arrangement of the *Landtag* is the semi-circle typical of European parliaments, with all Deputies' desks facing the President (i.e., Speaker), rather than the Westminster arrangement of opposite-facing benches.

Little desire for change
Asked directly, members and officials indicated that there is no desire to change their electoral system. In addition, they pointed out that to do so would require a constitutional amendment with a 2/3^{rds} vote, the implication being that it is extremely unlikely that so many votes supporting change could ever be found.

As noted, the system has certainly not impeded the ability of the largest party, the Christian Democrats, to govern more or less uninterruptedly for the past 50-plus years. At the same time, it has given the opposition parties a presence that they would not have under a FPP system. The following table was part of the presentation the Committee received from the Statistical Office in Stuttgart:[41]

[41] The Statistical Office is responsible for organizing all public elections in Stuttgart.

TABLE D1: BADEN-WÜRTTEMBERG ELECTION 2001

Direct mandates			Votes	Real	Standardized
CDU	63	90%	CDU	44.8%	47.4%
SPD	7	10%	SPD	33.3%	35.4%
FDP/DVP	-	0%	FDP/DVP	8.1%	8.6%
GRÜNE	-	0%	GRÜNE	7.7%	8.2%
			Other:	6.1%	0%
			Seats		
			CDU	63	49.2%
			SDP	45	35.2%
			FDP/DVP	10	7.8%
			GRÜNE	10	7.8%

Table D1 reveals several features of the Baden-Württemberg electoral landscape:

- The CDU finished first in 63 of 70 districts, or 90%, the SPD in 7 or 10%, a difference of 80%. No other party finished first in a district.
- At the same time, the CDU attracted 44.8% of the vote, and the SPD 33.3%, a difference of only 11.5% If it were not for the adjustment seats, the CDU would have received a seat share fully double its percentage of votes, and the SPD a seat share only one-third its vote share. What this indicates is a fairly even distribution of votes for the parties among all districts; this is the only way a party could win 9 of every 10 seats with less than 50% of the total vote.
- "Standardized" vote is a recalculation of proportions after removing the votes won by parties that did not cross the threshold necessary to qualify for proportional mandates.
- The overall proportionality of the system can be seen by comparing the final seat shares with the standardized vote shares. The total disproportionality is a very low 2.7%.
- With respect to the difference between direct and proportional mandates, the entire CDU caucus consists of direct mandates, whereas 87.3% of the opposition SPD and Green caucuses consist of proportional mandates. On the other hand the government's junior partner, the FPD caucus, consists entirely of proportional mandates.
- The shape of the results of the 2001 election is consistent with the results of the previous eight elections in which the CDU has won never fewer than 60 of the 70 direct mandates, and on two occasions won 69 of 70. The last time the SPD won more than 10 direct mandates was 1964, while the FDP has not won a direct mandate since 1968. No other party has won a direct mandate in the 13 general elections in Baden-Württemberg since 1952.

Citizen engagement
Voter participation in the 2001 election was 62.6%, continuing a gradual slide from a high of 80.0% in 1972. [*On the other hand, given the rather predictable outcomes of Baden-Württemberg general elections, it is perhaps surprising that turnout is as high as 63%.*] The turnouts in Baden-Württemberg for the 1998 and 2002 *Bundestag* (federal) elections were 83.1% and 81.1%, respectively.

Party involvement
The Committee heard that the degree of party membership and activity can be quite considerable, even in a period between elections. On the other hand, partisan politics structures all elections, even down to the municipal level, and given the way that federal, state, and municipal elections may be staggered, there may be less "down time" for party organizations.

[*A common criticism of MMP and other systems in which there is a party list – admittedly this does not apply to Baden-Württemberg* Landtag *elections, but does for the German federal elections, and for municipal elections – is that the determination of the order of candidates on the list is made by party officials or executives. In Germany, by law, the determination of the* Land *lists for* Bundestag *elections is made by* all *party members at a convention held for that purpose. Parties with large memberships (in Baden-Württemberg for example, the CDU has more than 80,000 members) may hold a convention with elected delegates instead, but the point is that the party determination of its list is a democratic process in which each party member's vote counts equally, not something determined by a handful of elites or insiders.*]

Gender balance
The web site of the Baden-Württemberg Landtag notes that the proportion of female legislators has been rising steadily but as yet has only reached 22%. Of 128 legislators, 28 are women. The following provides details by party and mandate:

TABLE D2: FEMALE LEGISLATORS IN BADEN-WÜRTTEMBERG, ELECTION 2001

Party	Women Elected	Direct Mandates	Proportional Mandates	As % of Elected Caucus
CDU	9	8	1	14.3%
SPD	12	3	9	26.7%
FPD/DVP	3	0	3	30.0%
GRÜNE*	4	0	4	44.4%
TOTAL	28	11	17	21.9%

* Note that following the 2001 election, the Greens had elected five women, one of whom has since changed affiliation to the CDU.

In Baden-Württemberg, the overall proportion of women in parliament is not much different than in Ontario, or in Canada nationally. What all these jurisdictions have in common is single member districts won on a plurality basis.

[*Evidence – anecdotal and otherwise – continues to suggest that when parties can only field one candidate in a district they will be more likely to nominate a man than a woman; the degree to which "imputed prejudice" plays a role in this is difficult to ascertain.*

On the other hand, the difference between the proportion of women in the CDU caucus and the proportions of women in the caucuses of the smaller parties highlights the role of a party's commitment to nominating and electing women. Given that the CDU routinely wins between 85% and 90% of the 70 direct mandates, it has a large number of "safe" seats in which it could comfortably run a woman candidate, if it wished to be pro-active on this front. As members told the Committee, voters cast their ballot largely on the basis of political party, the personality of the candidates being more important chiefly for the smaller parties.]

Alternate deputies

One last feature of the Baden-Württemberg electoral system that deserves mention is that each party nominates not only a candidate, but also an alternative who will, in the event of the resignation or death of a Deputy, assume his or her place. The name of the alternative appears on the ballot, in fine print below the candidate's details (occupation and residence).

State centre for civic education

The Committee had the opportunity to meet with the director of the State Centre for Civic Education in Stuttgart. Founded in 1972, the Centre provides approximately 300 conferences and seminars per year, and publishes three periodicals. Its programs are closely aligned with the social studies curriculum in the schools. Its budget, excluding personnel costs (for about 80 staff), is covered by €1 million from the state government and about €0.5 million from fees charged to clients. The Centre has an advisory board with members from all parties and seven academic advisors. The Committee was particularly interested in the role that civic education could have in addressing declining voter turnout, particularly among younger voters. It appears that no evaluation has been done about the impact or effectiveness of the Centre's programs.

Concerning the Additional Member System (AMS) in Scotland

Early days yet

Scotland has held two elections under the Alternative Member System (AMS, a modified version of MMP), in 1999 and in 2003, and its parliament has been in operation only six years. It is difficult, therefore to draw anything more than provisional conclusions about the effectiveness of this electoral system in meeting the needs of the Scottish people.

A new institution

It is clear that the Scottish Parliament was designed to be a new legislature, making a clean break from Westminster and its traditions. As the Presiding Officer informed the Committee, "this is a European Parliament." The deliberate distancing from Westminster is seen in any number of ways, from the semi-

circular seating, to the unique nomenclature, to the administration of the parliament, to the rejection of English parliamentary tradition ("Erskine-May has no authority here"), to the civil code basis of Scots law.

The organization of parliamentary business
The Presiding Officer is the ultimate judge of the rules, and chairs the Parliamentary Bureau, a meeting of the house leaders from the parties (i.e., those with five or more seats) to decide the order of parliamentary business for the next three weeks.[42] Once an agreement has been arrived at, it is approved by parliament, printed in the *Business Bulletin*, and the Presiding Officer oversees its implementation. The Presiding Officer, George Reid, impressed upon the Committee the effectiveness of this arrangement, and spoke about his role as Chair of the full sessions of parliament. Parliament meets three days a week (Tuesday to Thursday). Committees generally meet on Tuesdays and Wednesday morning; meetings of the full parliament occur on Wednesday afternoon, and all day Thursday.

Observations of the Clerk
The Clerk/Chief Executive, Paul Grice, spoke to the Committee about the importance of multi-partism, the stability of coalition government to date, and general happiness with the functioning of the new parliament. He also suggested that there is no evidence that people are confused by the new electoral system, something later confirmed by survey research provided to the Committee by Professor John Curtice. (Curtice reported that following the 2003 election, 72% of surveyed voters found filling in the ballot papers to be "not very" or "not at all difficult," and only 12% found it "very" or "fairly difficult."[43])

Discussions with MSPs
The Committee had a lunch meeting with three Scottish MSPs who spoke favourably about the AMS electoral system. Two of these Members were elected from the regional list; one as a constituency member. Parties represented included the Scottish Conservative Party, the Scottish National Party, and the Liberal Democrats (currently the junior partner in the coalition Executive).

Later, the Committee met with another group of three MSPs, one from the Green Party, who was quite satisfied with AMS, and two MSPs who were not. The Scottish Conservative MSP favoured a Scottish Parliament elected on a FPP basis, and acknowledged that this was contrary to the accepted wisdom that his party would fare much worse under that system than it has under AMS. (In 1999, the SCP elected all 18 of its members from the regional lists, and in 2003, 15 of its 18 members from the lists. Moreover, in the 2005 general election, the Conservatives returned only one Scottish MP to Westminster, an improvement from none in 1999.) The second Member critical of AMS was from the Scottish National Party caucus. Like most of the Scottish critics of AMS from whom the

[42] These meetings are minuted, and the minutes posted on the Scottish Parliament web site.
[43] John Curtice, "Proportional Representation in Scotland: Public Reaction and Voter Behaviour," paper presented to the Standing Committee on Electoral Reform, 23 September 2005.

Committee heard, she favoured the implementation of a PR-STV system (i.e., as in Ireland).

Concerns with AMS

Domestic criticisms of AMS tend to begin with a discussion of the problems with having two types of member, but after a time reveal what appear to be more underlying concerns:

(a) the view of many that AMS was imposed upon the devolved Parliament by Westminster in order to perpetuate the hold of the Labour Party on the Scottish Parliament (and conversely, to prevent the Scottish Nationalist Party from gaining a majority, which under another system, it might conceivably manage to 'manufacture'); and

(b) the view that AMS was the result of a compromise between the Liberal Democrats which favoured STV, and Labour which favoured plurality. Moreover, because of its own internal history of infighting between factions, Labour had reason to fear STV and its tendency to promote competition between candidates of the same party.

The following table indicates the strengths of the parties in the constituency races in the first two Scottish Parliament elections, which also indicates what the make-up of Holyrood might have been under FPP:

TABLE D3: ELECTIONS TO THE SCOTTISH PARLIAMENT (CONSTITUENCY SEATS)

	Constituency Vote (%)		Constituency Seats	
Party*	**2003**	*1999*	**2003**	*1999*
SCP	**16.8**	*15.6*	**3**	-
Labour	**35.1**	*38.8*	**46**	*53*
Lib Dem	**15.6**	*14.2*	**13**	*12*
SNP	**24.1**	*28.7*	**9**	*7*
Green	-	-	-	-
SSP	**6.3**	*1.1*		-
Others	**3.5**	*1.5*	**2**	*1*
Total:	**100%**		**73 Seats**	

* SCP = Scottish Conservative Party; Lib Dem = Liberal Democrats; SNP = Scottish National Party; SSP = Scottish Socialist Party

Labour Party dominance

[The distribution of seats among the top four parties is such that Labour could win an absolute majority of districts (63%) with only 35.1% of the vote in 2001. The second place SNP, averaging 10.5% fewer votes, received on average 57% fewer seats than Labour.[44] *This illustrates that Labour would have done quite well under an FPP system. The comparative outcomes for the Scottish*

[44] The average constituency seat share for Labour was 67.8%; the average for the SNP was 11.0%

Conservatives and the Liberal Democrats are also noteworthy. Despite a slightly higher vote share in each election, the Conservatives found it much more difficult to convert that support into seats than did the Liberal Democrats. This indicates the relatively broad nature of the SCP's support, compared to the more regionally concentrated Liberal Democrat vote. Between them, Labour and the Liberal Democrats have had a clear stranglehold on the constituency seats.]

TABLE D4: ELECTIONS TO THE SCOTTISH PARLIAMENT (COMPLETE RESULTS)

	% Constituency Vote		No. Constituency seats		% Regional Vote		No. Regional seats		Total Number Seats		% Total Seats	
Party*	**2003**	*1999*	**2003**	*1999*	**2003**	*1999*	**2003**	*1999*	**2003**	*1999*	**2003**	*1999*
SCP	**16.8**	*15.6*	**3**	-	**15.5**	*15.5*	**15**	*18*	**18**	*18*	**14**	*14.0*
Labour	**35.1**	*38.8*	**46**	*53*	**29.3**	*34.0*	**4**	*3*	**50**	*56*	**38.8**	*43.4*
Lib Dem	**15.6**	*14.2*	**13**	*12*	**11.8**	*12.6*	**4**	*5*	**17**	*17*	**13.2**	*13.2*
SNP	**24.1**	*28.7*	**9**	*7*	**20.9**	*27.6*	**18**	*28*	**27**	*35*	**20.9**	*27.0*
Green	**-**	-	**-**	-	**6.9**	*3.6*	**7**	*1*	**7**	*1*	**5.4**	*0.8*
SSP	**6.3**	*1.1*			**6.7**	*2.0*	**6**	*1*	**6**	*1*	**4.7**	*0.8*
Others	**3.5**	*2.1*	**2**	*1*	**8.7**	*4.7*	**2**	-	**4**	*1*	**3.1**	*0.8*
Total:	**100%**		**73**		**100%**		**56**		**129**		**100%**	

* SCP = Conservative; Lib Dem = Liberal Democrats; SNP = Scottish National Party; SSP = Scottish Socialist Party

The effect of AMS on Labour's position

[*Note that because it received less support at the regional level than it did in the constituencies, and accordingly, very few regional seats, Labour's final position is still dominant, but not an absolute majority. The following figure provides an ideological ordering of Scottish parliamentary parties, from left to right:*

Party:	**SSP**	**SNP**	**Greens**	**LAB**	**LIB DEM**	**SCP**
Seats (2003):	6	27	7	50	17	18

[*Labour occupies the ideological median (middle) seat in the legislature, with 40 seats to its left and 35 to its right. Coalition theory suggests it would be very difficult for a cohesive coalition partnership to form in such a parliament* without *the participation of Labour.*]

Impact of AMS on the Scottish Nationalist Party

[*It is not difficult, then, to understand the frustration of the SNP with AMS, because it not only allows Labour to maintain a strategically central position, but just as importantly, allows other parties that were unlikely to win constituency seats to gain representation through the regional portion of the ballot, in particular the Conservatives, the Greens, and the Socialists. Between them, these three parties came out of the 2003 election with 31 seats, almost a quarter of the legislature, and yet won only 3 constituencies. With a loss of eight seats, the SNP was the biggest loser in the 2003 election.*]

"Vote Green 2nd"[45]

It was generally acknowledged that Greens had played the system to their own advantage by choosing not to run candidates at the constituency level, and campaigning with the simple message that voters could (and should) cast their second ballot for the Greens. Attracting just less than 7% of the regional vote, they converted this into seven seats in the parliament, where, according to the Presiding Officer, they have made a lively and positive contribution. Some Members suggested, however, that the Green strategy was not consistent with what the designers of the electoral system had intended. Instead, they argued, all candidates on the regional list should be also running in a constituency race. This position was taken by two Members who had won election on the regional list, but had been defeated in their constituency race. On the other hand, one Member who won in his constituency had not allowed his name to stand also on the regional list.

The attraction of STV for Scottish Nationalists

[Scottish Nationalist supporters (and others) have a number of strategic reasons (i.e., rooted in the reality of the Scottish party system) to favour STV over AMS:

- *STV would exacerbate any existing tensions within the Labour party by allowing candidates from different wings of the party to face off against each other.*
- *STV would remove the list option, and require all candidates to contest constituency seats. Depending on the size of the electoral districts this could limit the number of seats won by the very small parties such as the Greens and the Socialists.*[46] *For example, in a six member riding, the quota works out to essentially one-seventh of the valid ballots cast, or about 14%.*
- *The SNP's best chance of securing an outright majority might come from finishing first in a semi-proportional system, which can be the case with STV if electoral districts are small. In Ireland, for example, the leading party has 48.8% of the seats on 41.5% of the vote.]*

Accordingly, it was those MSPs who wish to see AMS replaced who advised the Committee to "get it [electoral reform] right the first time."

Roles and responsibilities of Members

As noted, some members suggested that there remains a problem sorting out the status and responsibilities of constituency versus list members. Other observers, including the Clerk and the Presiding Officer, suggested that the significance of this problem has been minimized over time as understandings have been worked out, including a protocol that forms part of the Scottish Parliament's *Code of Conduct for MSPs*. The Clerk of the Scottish Parliament suggested there is no difference in styles in the chamber to distinguish constituency from list members.

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[45] This was the simple (but acknowledged to be effective) slogan on which the Greens ran their campaign.

[46] Members will recall that in British Columbia, the Green Party opposed BC-STV in favour of the MMP model.

He acknowledged that more thought should have been given at the outset to the constituency roles of list members. Another view was that in some cases, the issue has been as much about the relationship of Scottish MSPs to the Scottish Westminster MPs (who, the Committee heard, many in Scotland now appear to regard as superfluous, especially given the devolution of such a large portion of domestic policy responsibility to the Scottish Parliament).

Constituency work

Professor John Curtice notes that "undertaking casework for individual constituents is certainly one of the major activities of MPs in the United Kingdom," [contrary to the practice in Germany] and offers survey evidence that Scottish and Welsh list members spend "an average of 3.1 hours a week on casework and 2.0 hours on dealing with local interest groups," as opposed to 3.7 and 2.4 hours respectively for constituency members.[47]

Arbuthnott Commission

The Committee met with a member of the Arbuthnott Commission, which has a mandate to consider the electoral arrangements in Scotland, including possible reforms of the parliamentary electoral system, including the question of replacing AMS with PR-STV, or less drastic changes such as requiring candidates to choose between running for the constituency or on a regional list, or using an open or partially open list for the regional seats. According to Professor Curtice, the Labour party submission to the Arbuthnott Commission has recommended adopting a version of the single vote, best runners-up model used in Baden-Württemberg.[48] Any decision to change or replace the current electoral system rests with the Scottish Office at Westminster.

Control over regional lists

One concern raised about regional lists is who should determine their composition. Discussions with MSPs revealed that parties have different ways of dealing with this matter. The SCP determines the ranking of its list nominations through a postal ballot by party members, an example the SNP will apparently follow in 2007. The SCP requires anyone standing on a regional list to also run as a constituency candidate in the region. An SNP candidate must have been a party member for at least a year to be eligible to run. The Labour Party was the only one of the four "established" parties to run lists on which less than half of the candidates were also contesting constituencies. The Green Party did not run in constituencies, and as yet, does not have a candidate vetting system.

Gender balance

As Professor John Curtice noted in a paper provided to the Committee, AMS was selected in part to address the issue of gender balance:

> ... it was anticipated that, in line with much of the research evidence on party list systems (Norris, 1996), the list part of the new system at

[47] John Curtice, "Forecasting and evaluating the consequences of electoral change: Scotland and Wales," paper presented to the Select Committee on Electoral Reform, 23 September 2005, p. 6.
[48] Ibid., p. 23.

least would result in more women being elected together along with the creation of socially more diverse bodies in general.[49]

After the 1999 election, 36.4% of Scottish MSPs were women; after the 2003 election, the proportion had risen to 39.5%, one of the highest proportions in the English-speaking world (Wales, in its 2003 National Assembly election, returned a completely gender-balanced legislature: 30 women, 30 men.)

In this case, much of the credit can be given to the political parties for measures taken to boost female candidacies. The proportion of female MSPs elected on a constituency and list basis respectively increased from 41.1% and 30.4% in 1999, to 43.8% and 33.9% in 2003. Prior to the 1999 election, Labour had adopted a policy of twinning constituency seats and requiring that each pair of ridings nominate one woman and one man. The Scottish Socialists and the Greens also took strong measures to promote female candidacies, in contrast to the Scottish Conservative Party; thus, while most Conservative Members are elected through the list, men outnumber women four to one.[50]

System properties and party activism

As in Germany, what matters is not only the opportunity to promote balance, but also the willingness to take special measures to do so. At the same time, it matters if the system provides opportunities for a party that is willing to exploit them. Labour was able to "twin" its constituencies and require balanced nominations in part because it holds so many "safe" seats, and accordingly, was very successful at returning female candidates to the parliament. The following table is taken from a Scottish Parliament Factsheet,[51] and shows the current breakdown of female MSPs by party and basis of election:

TABLE D5: FEMALE LEGISLATORS IN THE SCOTTISH PARLIAMENT (2005)

	Constituency	Regional	ALL
Scottish Labour	26	2	**28**
Scottish National Party	3	6	**9**
Scottish Conservative Party	0	4	**4**
Scottish Socialist Party	0	4	**4**
Scottish Liberal Democrats	0	2	**2**
Scottish Green Party	0	2	**2**
Independent MSP	1	1	**2**
Totals:	**30**	**21**	**51**

[*The success of Labour's female candidates in winning at the constituency level masks the fact that had Labour's support been a few points less, or been more evenly spread across the nation, such that it won fewer constituency seats but more list seats, a greater proportion of its women candidates would have been*

[49] John Curtice, "Forecasting and evaluating the consequences electoral change,", p. 6.
[50] Ibid., p. 10.
[51] *Female MSPS: Session 2*, Scottish Parliament Factsheet, FS1-06 (8 September 2005)

elected from the regional lists. The fact that Labour, a party very committed to gender balance, won just four list seats (two of which are held by women), obscures the potential that the regional lists might have played for electing women had Labour not been so successful in the constituency races. Excluding Labour, 19 of 23 (or 82.6%) of female MSPs came to parliament on the regional lists.]

Accommodating working conditions

Another potentially important factor in attracting women to Parliament is the attempt at Holyrood to make the work day as normal as possible. Evening sittings are not normally held, and most Members can, if they so wish, be home to eat dinner with their family at a reasonable hour. The parliament also has a child care centre and a school on the premises. The Presiding Officer stressed the importance of these ingredients in making the job of MSP compatible with family life and other personal demands on time that might otherwise make a legislative career less attractive for women at certain stages of life.

Public attitudes to the system

An academic who has studied public opinion towards the electoral system in Scotland advised the Committee of two findings: (1) a relatively small proportion of the public has strong views, and (2) people hold to contradictory principles. He also concluded that

> … perhaps the most important lesson to take away from Scotland's experience of introducing proportional representation is not to expect too much reaction from the public at all. Electoral systems may fundamentally affect the distribution of political power, but it appears that there is no guarantee that this means that a new electoral system will provoke a public reaction.[52]

Participation

Turnout in the two Scottish elections reinforces this conclusion, going from just over 58% in 1999 to 49.4% in 2003. Again there are two similarities with the situation in Baden-Württemberg: one being the diminished significance that voters attach to sub-national elections; another, the dominance of one party, which precludes the type of close contest that might stimulate greater public interest and engagement.

Vote-splitting

One of the purported advantages of MMP over FPP is that it allows voters to separate their support of a local candidate from their overall support for a particular party. Survey evidence suggests that almost 28% of Scottish voters engaged in vote-splitting (supporting the candidate of one party with the constituency vote and a different party with the second vote) in 2003.[53] John Curtice suggests that evidence supports the theory that some voters split their vote

[52] John Curtice, "Proportional Representation in Scotland: Public Reaction and Voter Behaviour," paper presented to the Standing Committee on Electoral Reform, 23 September 2005, p. 11.
[53] Ibid., p. 11.

to indicate their coalition preference. Another portion clearly used their first vote to choose a preferred candidate, regardless of party, but this is estimated to have been no more than 5% – "by far the most commonly offered explanation as to why voters voted as they did was to support a party regardless of their candidate."[54]

Other issues: ethno-cultural representation

The Committee asked Professor Richard Kerley about representation of visible minorities or ethno-cultural groups generally.[55] He noted the absence of any MSPs elected from such segments of society, but also suggested that Scotland remains a fairly homogeneous society that has not become as multi-cultural as other parts of the United Kingdom. Asked if parties are reluctant to place ethnic minorities on the list, he suggested parties in Scotland haven't yet learned how to use the system to achieve such specific objectives. He agreed with the suggestion made by others that people vote principally for parties, not for individuals.

The referendum on devolution

Clerk Paul Grice had been, in 1997, the official in Scottish Office responsible for the conduct of the referendum on devolution. He indicated that three fundamental decisions had had to be made:

- Framing the referendum question: a public opinion pollster was consulted in order to get a neutrally-worded question.[56]
- Deciding who should vote: questions around Scottish citizens or descendents abroad, etc.
- The threshold for passage, which was ultimately determined to be a simple majority of those voting (50% plus 1 vote). There were no other conditions.

Electoral Commission Referendum Guidelines

The Committee also met with the head of the Electoral Commission Office (Scotland), who provided an informative presentation on the conduct of elections in Scotland. The role of the Commission with respect to referendums is to comment on the intelligibility of the question. Although the government does not have to take the Commission's comments on board (i.e., heed its advice), in the three instances where the Commission has offered advice, the government has accepted it. The following table lists the Commission's Question Assessment Guidelines:

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[54] Ibid., p. 11.

[55] Professor Kerly was head of the Commission that recommended PR-STV be implemented for local elections.

[56] Clerk Grice explained that the assumption was that since no-one is better at asking a loaded question, a pollster should also be able to frame a neutral query.

1. The question should prompt an immediate response.
2. Words and phrases used in the question should not have positive or negative connotations.
3. Words and phrases used in the question should not be intentionally leading.
4. Words and phrases used in the question should not be loaded.
5. The questions should not contain 'jargon'.
6. The language used in the question should be consistent.
7. Words and phrases used in the question should reflect the language used and understood by the voter.
8. The question should not provide more information than is necessary to answer the question meaningfully.
9. The question should not be longer than necessary.
10. The question should be well structured.

Taken from "Question Assessment Guidelines," publication of the Electoral Commission, which also provides an explanation of each of these guidelines.

Fairshare

The Committee had a lunch meeting with members of Fairshare, an offshoot of the Electoral Reform Society, which has advocated the use of STV for all elections in the United Kingdom. As noted earlier, Fairshare was originally established to promote the introduction of STV for local government in Scotland, and now that this is official government policy, is promoting the replacement of AMS for the Scottish Parliament with STV.

As in British Columbia, the Committee was impressed by the passion and dedication of the proponents of STV, and the firmness of their conviction that for voters, STV is the only valid system of PR. All other PR systems, it is argued, "have one common objective: to secure PR of political parties."[57] The discussion with the Committee focused on many of the issues that had been raised in B.C., including gender balance under STV, the reduction in the overall number of candidates, the role of parties as organizers and mobilizers of the electorate, and the question of improving AMS (MMP) by adopting open or free lists.

Criticisms of AMS from an STV advocate

Dr. James Gilmour gave the Committee his submission to the Arbuthnott Commission (April 2005) and two submissions he had made to the British Columbia Citizens' Assembly (August 2004). Dr. Gilmour's arguments to the Arbuthnott Commission can be summarized in five points:

[57] Dr. James Gilmour, "Empower the Voters," Submission to British Columbia Citizens' Assembly on Electoral Reform (12 August 2004), p. 1.

(1) STV is uniquely centred on the voters and on the candidates as individuals. All other PR voting systems, including AMS, are centred on the political parties.

(2) STV would ... make MSPs much more directly accountable to the voters than they are at present and in so doing, it would reduce the power of the political parties.

(3) The local links between MSPs and their constituents would be stronger than they are in the current geographically defined single-member constituencies and much stronger than in the current electoral regions.

(4) STV might improve turnout because there are no "safe seats" under this system.

(5) The voters would also determine the representation of the diversity and plurality of views *within* the political parties. At present that is controlled by the political parties. It should be the supporters of each party, those who vote for its candidates, who should decide the balance of representation among the various strands of opinions within each party. (pp. 1-2)

Finally, it might be noted that in his submission to the BCCA, Dr. Gilmour suggested that:

> the most obvious problem with MMP is that it elects members of two very different kinds . . . . The members may appear equal when they are debating in the Legislature, but they have very different status in the eyes of the electors. . . . In Scotland (and in New Zealand) there have been "turf wars" between constituency MSPs and regional MSPs over their respective roles.[58]

[*Interestingly, Dr. Gilmour and the other Fairshare members did not have any problem with the intra-party competition that STV can foster, nor appreciate that competition between different party members elected within a multi-member STV constituency might resemble the "turf wars" described above. The anti-party sentiment that informs some of the support for STV seems to impede acknowledgment of the legitimate role that party members – as opposed to those who vote for the party's candidates – might have in shaping the party policies that are put before the electorate.*]

Concerning the STV Electoral System in Ireland

The Committee's formal visit to Ireland began with a briefing on the Irish political situation at Canada House. In addition to background on the Irish economy and challenges faced by the current government, the Committee heard the following observations about the electoral and party systems in particular:

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[58] Dr. James Gilmour, "MMP is not the Way Forward," submission to British Columbia Citizens' Assembly on Electoral Reform (13 August 2004), p. 1.

- It is unusual to find anyone who wants to change the electoral system, or even comment negatively on it.
- The only electoral issue is the introduction of electronic voting.
- The system is characterized by multi-partism, a large number of independent Members (TDs), and a habit of coalition government to which the people are quite accustomed and with which they are quite comfortable.
- Public engagement (political participation) is much higher than in Canada:
    - Political parties extend right down to the council level (i.e., local governance).
    - Almost everyone identifies with one political party or another.
    - After the election is held, everyone begins thinking about the next one.
- Irish politics is characterized by strong familial and regional identities. Politics is very local, dominated by family-based political dynasties, particularly within the two largest parties: Fianna Fáil and Fine Gael.
- Anywhere from 50% to 70% of the membership of the Dáil is connected to a political dynasty.
- Although female labour participation exploded in the 1990s, and is one of the factors responsible for Ireland's exceptional economic growth, women remain seriously under-represented in the Dáil. Many of the women who do hold seats do so as a representative of one of the strong political families.

Election Administration

In Ireland, responsibility for elections falls under the Ministry of the Environment, Heritage, and Local Government. Officials of this ministry made a presentation to the Committee and fielded questions afterwards. Among other things, the Committee learned the following:

- The Irish electorate consists of around 3 million persons (total population just over 4 million). With a 166 seat legislature, this means an average of about 18,072 voters per TD (average population of about 24,100 constituents per TD).
- The constitution establishes minimum and maximum average constituency sizes at 20,000 and 30,000 respectively. This means that with its current population, Ireland's parliament could be as large as 190 to 196 seats.
- The Irish census is taken every 5 years, triggering a review of constituencies by an independent electoral commission.
- The last report on constituency boundaries was approved in July 2005 and will be in effect for the next Irish election. Under the changing patterns of population, seats are shifting from the west to the east.

- An increasing trend, as a result of redistribution, is away from five-seat constituencies to three-seat districts. The explanation is in part that "five-seaters" are often the most populated (and in growing districts). When they grow larger, the easiest solution is to create two "three seaters" rather than re-jig boundaries with adjacent districts.
- Irish ballots are unusual in that they contain the candidates' pictures as well as information about their party, occupation and residence.
- Counting the ballots is the most complicated and difficult part of the Irish electoral process. Voting takes place on Friday; counting begins at 9 a.m. on Saturday at a central counting place (the count centre), and may take as long as two days.[59]
- The ballots are counted by hand, being sorted into piles for each candidate according to the first preference. The ballots from various polling places are supposed to be shuffled prior to counting in order to randomize the order of the ballots on the pile. This has important implications for the actual transfer of surplus votes from a candidate whose initial count exceeds the quota.
- Irish politics is seen to be fairly consensual.

Elected members' perspective

The Committee also met with two members of the Oireachtas Joint Committee on the Environment and Local Government: Deputy Sean Haughey and Senator Cyprian Brady, both of the Fianna Fáil party. Deputy Haughey has chaired this committee since 1994. They presented the Select Committee with background materials on the Irish electoral system and answered questions. Among their observations were the following:

- The Irish people have a marked devotion to the existing electoral system, as indicated by twice voting no in referendums that would have replaced STV with an FPP system.
- The larger parties, it was suggested, might favour change, but the smaller parties and independents wouldn't. [*At present, there is only one "larger" party, Fianna Fáil, which holds just less than an outright majority of seats in the Dáil.*]
- Politics is extremely local in Ireland; journalists and academics argue that the localism of the Dáil increases the power of the Executive [Haughey and Brady indicated they do not agree with this assessment].
- The system favours incumbency: on average each TD is elected four times.
- Rather than serve all constituents, TDs in multi-member constituencies tend to establish their own geographical areas of influence, particularly in

[59] Interestingly, the report of final election results also records the time on which the count finished in each constituency.

larger, more rural ridings. In urban ridings, TDs may seek support within certain segments of society, particular occupational associations, trade unions, etc.

- The growing trend to "three-seaters" definitely offers a distinct advantage to the larger parties.
- The main electoral issue at present is electronic voting, the principal concerns being the lack of a verifiable paper trail, and questions of security. Electronic voting was promoted mainly because of its possible efficiency.

[*The discussion of Irish politics with civil servants and elected representatives reinforced the initial portrait of very localized politics dominated by political dynasties allied with the principal political parties. There was little evidence to substantiate the claim by STV advocates that this system shifts power from parties to the voters and candidates. Power seems to rest as much with parties here as elsewhere, but also with established political families within parties that carve out virtual constituencies within larger electoral districts. As the average size of electoral districts grows smaller (towards three TDs), the ability of the system to provide proportionality is lessened, the number of candidates on offer to the electorate is reduced, the prospects of larger parties are improved, and the number of parties fielding more than one candidate is reduced. This has negative implications for the ability of parties to address the gender imbalance in the Dáil, but it must also be noted that this issue did not seem high on the political agenda.*

While the use of an ordinal ballot seems to maximize voter choice, in practice, in many districts, only the first preference will be counted on the majority of the ballots cast. The second preference ballots of any candidate who exceeds the quota on the first count are considered, but not the second (or third, fourth, etc.) preference ballots of those candidates who end up being elected on subsequent counts. Somewhat curiously, it is the lower preferences of the least preferred candidates that end up determining the winning candidates.

The extremely local nature of Irish politics ties in directly with the small size of the constituencies. With 1 TD for every 24,100 constituents, Ireland has one of the larger legislatures in the developed world – to have a similar ratio, Ontario would need a legislature with 500+ members.

Finally, it should be noted that the two traditional parties, Fianna Fáil and Fine Gail, have generally been centre-right parties without much in the way of ideological differences. Their rivalry extends back to opposing sides of the civil war that followed Irish independence, and many of the political dynasties in Irish politics have roots in that initial split. The absence of a major right-left dimension to much of Irish politics has contributed to the localism already noted.]

E. GLOSSARY OF TERMS

Additional Member System (AMS). A version of mixed member proportional (MMP) representation, used in Scotland and Wales, and employing regional constituencies for adjustment seats.

Adjustment (or Compensatory) Seats - The list seats in a mixed member proportional (MMP) system which are awarded to parties on the basis of their share of the total vote, and in such a way as to correct or compensate for disproportionality in the results of the elections held in single member plurality (constituency) seats. The seats are usually filled by candidates from party lists who may or may not have contested single member districts.

Alternative Vote (AV) - A majoritarian system, using single-member districts in which voters use numbers to mark their preferences on the ballot. A candidate with an absolute majority (50% + 1) of first preferences is automatically elected. If no candidate achieves an majority of first-preferences, the ballots of the last place candidate are re-distributed on the basis of the next preference, until one candidate has received at least 50% + 1.

Ballot structure - The way in which electoral choices are presented on the ballot paper. Ballots can be ordinal (i.e., preferential, as in AV or STV) or categorical (as in FPP).

Categorical Ballot - A form of ballot in which only a single choice for a candidate or party can be made.

Closed List - A form of List PR in which voters are restricted to voting for a party list only, and cannot express a preference for any candidate within a party list.

Constituency - A synonym for district (Germany), riding (Canada), electorate (New Zealand), etc.

Cumulative Vote - The ability within some voting systems (usually List PR with open lists) to cast more than one vote for a preferred candidate.

d'Hondt Formula – A means of determining seats in multi-member constituencies by using the highest average method, which employs a series of divisors – in this case the series 1, 2, 3, 4, etc. All the parties' votes are divided by 1 and the party with the most votes wins the first seat. Each time a party wins a seat, its initial vote total is divided by the next divisor. All the parties' totals are then compared again, and the party with the highest total wins the seat. This process continues until all the available seats have been allocated. Here is a simple example:

Party:	Blue	Red	Yellow	Orange	(7 seats)
Votes	46,893	73,651	154,722	97,500	**Seat Won By:**
Seat 1	/1 = 46,893	/1 = 73,651	**/1 = 154,722**	/1 = 97,500	Yellow
Seat 2	/1 = 46,893	/1 = 73,651	/2= 77,361	**/1 = 97,500**	Orange
Seat 3	/1 = 46,893	/1 = 73,651	**/2= 77,361**	/2 = 48,750	Yellow
Seat 4	/1 = 46,893	**/1 = 73,651**	/3= 51,574	/2 = 48,750	Red
Seat 5	/1 = 46,893	/2 = 36,826	**/3= 51,574**	/2 = 48,750	Yellow
Seat 6	/1 = 46,893	/2 = 36,826	/4 = 38,680	**/2 = 48,750**	Orange
Seat 7	**/1 = 46,893**	/2 = 36,826	/4 = 38,680	/3 = 32,500	Red
Total:	1	1	3	2	

The following figure shows how Scottish regional seats are allocated, with the constituency seats that have been won determining the initial set of divisors for each party.

Party:	Con	Lab	L-Dem	SNP	
Votes	73,363	175,354	56,957	70,353	**Seat Won By:**
Constituency Seats	0	8	1	0	
Seat 1	**/1 = 73,363**	/9 = 19,484	/2 = 28,479	/1 = 70,353	Conservatives
Seat 2	/2 = 36,682	/9 = 19,484	/2 = 28,479	**/1 = 70,353**	SNP
Seat 3	**/2 = 36,682**	/9 = 19,484	/2 = 28,479	/2 = 35,177	Conservatives
Seat 4	/3 = 24,454	/9 = 19,484	/2 = 28,479	**/2 = 35,177**	SNP
Seat 5	/3 = 24,454	/9 = 19,484	**/2 = 28,479**	/3 = 23,454	Lib-Democrats
Seat 6	**/3 = 24,454**	/9 = 19,484	/3 = 18,986	/3 = 23,454	Conservatives
Seat 7	/4 = 18,441	/9 = 19,484	/3 = 18,986	**/3 = 23,454**	SNP
Total Seats	3	8	2	3	

Disproportionality:
For each party this calculation is straightforward; namely, the difference between its seat share and vote share. For an election/parliament as a whole it is possible to (a) sum the absolute value of the disproportionality for each party, or (b) use the Gallagher index: $\sqrt{\frac{1}{2}\sum (v_i - s_i)^2}$ – which takes the square root of the sum, divided by two, of each party's disproportionality squared. Applying each measure to the 2003 Ontario general election looks like this:

(a) Sum of Disproportionalities	(b) Gallagher Index
Liberal Party: 69.9%(s) - 46.5%(v) = 23.4	Liberal Party: 23.4 (squared) = 547.56
PC Party: 23.3%(s) - 34.7%(v) = -14.4	PC Party: 14.4 (squared) = 203.04
ND Party: 6.8%(s) - 14.7%(v) = -7.9	ND Party: 7.9 (squared) = 62.41
Green Party: 0.0%(s) - 2.8%(v) = -2.8	Green Party: 2.8 (squared) = 7.84
Sum of absolute values = 48.5	**Sum ($\sum (v_i - s_i)^2$) = 820.85**
	Gallagher Index [$\sqrt{\frac{1}{2} \sum (v_i - s_i)^2}$] = 20.26

District - Geographic areas into which a country is divided for electoral purposes. Districts may return one member to parliaments or more than one.

District Magnitude - The number of members to be elected in each district.

Droop Quota - Used in highest average List PR and STV electoral systems to determine how seats are awarded. The quota is ascertained by the following formula: total vote (v) divided by the number of seats (s) plus one, and one is added to the product: (v/(s+1))+1.

Effective Number of Parties:
The effective number of parties measures the number of parties *as well as* their relative strength. The effective number of elective parties measures their relative vote shares. The formula for the effective number of elective parties is:

$$N_E = \frac{1}{\sum v_i^2}$$

where N_E = the effective number of elective parties, and $\sum v_i^2$ is the sum of each party's vote share squared. The effective number of legislative parties measures their relative seat shares. The formula for the effective number of legislative parties is:

$$N_L = \frac{1}{\sum s_i^2}$$

where N_L = the effective number of legislative parties, and $\sum s_i^2$ is the sum of each party's seat share squared.

For the 2003 Ontario general election, the calculation of the effective number of elective and legislative parties is:

Elective Parties (% Votes)	Legislative Parties (% Seats)
Liberal Party: 46.5% (squared = 0.216)	Liberal Party: 69.9% (squared = 0.489)
PC Party: 34.7% (squared = 0.120)	PC Party: 23.3% (squared = 0.054)
ND Party: 14.7% (squared = 0.022)	ND Party: 6.8% (squared = 0.005)
Green Party: 2.8% (squared = 0.0008)	
$\sum v_i^2 = 0.359$	$\sum s_i^2 = 0.548$
$N_E = (1/0.359) = \mathbf{2.79}$	$N_L = (1/0.548) = \mathbf{1.83}$

This calculation shows that the Ontario voters supported what was effectively almost a three-party system, but the effect of the plurality mechanism in FPP was

to return a Parliament that was effectively just less than a two-party system. This is a clear example of the "filtering effect" that an electoral system may produce.

By comparison, in the 2003 election to the Scottish Parliament, the effective number of elective parties was 4.20 for constituency seats and 5.66 for regional list seats. The effective number of legislative parties was 2.25 for constituency seats and 4.71 for regional list seats, illustrating the greater tendency of FPP contests to "filter" out smaller parties. Overall, the effective number of legislative parties in the Scottish Parliament was 4.23.

First Past the Post (FPP) (also **SMP**) - The simplest form of majoritarian system, in which voters choose one candidate in single-member districts using a categorical ballot. The winning candidate is the one with more votes than any other candidate.

Free List - A form of List PR that provides the maximum opportunity for vote-splitting.

Hare Quota - Used in largest remainder PR electoral systems to determine how seats are awarded: total vote divided by the number of seats (v/s).

Highest Average Method - A formula used with List PR systems (and therefore also for list seats in MMP systems, in which votes are translated into seats by dividing party vote totals by a series of divisors such as the d'Hondt system (1,2, 3, etc.).

Invalid Votes - Ballots which, due to accidental or deliberate errors of marking on the part of voters, are excluded from the count.

Instant Runoff Voting (IRV) - Another term for Alternative Vote.

Largest Remainder Method – A formula used with List PR systems, in which votes are translated into seats by awarding seats firstly, in proportion to the number of quotas they fulfill (three commonly used quotas are the Hare, Droop, and Imperiali), and secondly, on the basis of the left over votes after the 'quota' stage of the count.

List Proportional Representation (List PR) – In List PR, each party presents a list of candidates to the electorate, voters select a party, and parties receive seats in proportion to their overall share of the national vote. Winning candidates are taken from the lists. Lists can be open, closed, or free. List PR requires multi-member constituencies.

Manufactured Majority - Where a single party wins an absolute majority (50% + 1 or more) of the legislative seats with less than 50 per cent of the valid votes.

Mixed Member Proportional (MMP) - Systems in which a proportion of the parliament (usually half is elected from plurality-majority districts), while the

remaining members are chosen from PR lists. Under MMP the list PR seats compensate for any disproportionality produced by the district seat results.

Multi-Member District - A district from which more than one member is elected to parliament.

Open List - A form of list proportional representation in which electors can express a preference for a candidate within a party list, as well as voting for the party.

Ordinal Ballot or Balloting – See Preferential Voting.

Party-Centered Ballot - A form of ballot in which an elector chooses between parties, used in List PR.

Preferential Voting – Electoral systems in which voters can rank-order candidates on the ballot paper in order of their choice. The Alternative Vote, the Single Transferable Vote, and the Open List are all examples of preferential voting.

Proportional Representation (PR) – Any system designed to maximize the consistency between a party's share of votes and its share of seats.

Quota - The threshold for allocating seats in PR or other multi-member systems.

Single-Member District - A district from which only one member is elected to parliament.

Single-Member Plurality (SMP) (also see **FPP**) – An electoral system employing single member districts, a plurality electoral formula, and categorical ballots.

Single Transferable Vote (STV) –A preferential proportional (or semi-proportional) representation system used in multi-member districts. Voters may rank candidates in order of choice, all candidates who reach the threshold are elected, surplus votes are distributed to voters' next choices, and the candidates with the fewest votes are successively eliminated until all seats are filled.

Threshold - A legal threshold is usually found in PR systems that award adjustment (i.e., list) seats on the basis of parties' vote shares. The point of such a threshold is to prevent the election of a number of very small parties – the larger the legislature, the smaller the percentage of the vote that is required (in a purely proportional distribution) to gain a seat. Germany's threshold of 5% of the national vote, or the election of three constituency members, is among the best-known of legal thresholds.

In systems that elect single members, the threshold to elect *a* member (the "threshold of inclusion") may be quite low, depending on voter turnout and the number of candidates/parties contesting a seat. At the same time, the level at

which a candidate may be unsuccessful (the "threshold of exclusion") may be quite high. It is well-documented that a party that concentrates its support within a smaller number of ridings will win more seats than a party that has diffuse support in a larger number of ridings. Lijphart estimates that the "effective threshold" for all majoritarian systems (FPP, AV, Runoff, etc.) – that is, the level needed "in order to get elected to the legislature in significant numbers and not to be severely underrepresented,"[60] – is about 35%.

Two-Tier Districting - Where seats are awarded to parties from both single member districts and national PR lists, or both regional and national PR lists.

Two-Round System (TRS) - A majoritarian system in which a second election is held if no candidate achieves an absolute majority of votes in the first election.

Vote-splitting

Vote-splitting involves being able to send a "mixed message," such as support for a candidate but not his or her party (or vice-versa). Being able to vote at the same time for more than one candidate, or for more than one party, are other examples of vote-splitting, which is usually found in MMP systems, or in List systems with open or free lists. Transferable votes (STV or AV) do not count as vote-splitting, because at any moment in time, only one preference is "in play," and it is simultaneously a vote for a candidate and for his or her party.

Wasted votes

The term "wasted votes" is applied to those votes that ultimately do not contribute to the election of a Member. By definition, in a plurality or majoritarian system any votes for a non-winning candidate are considered to be wasted, and in most FPP systems this may constitute a majority of the votes. While it may be folly to take any election result for granted, voting histories and public opinion sampling can, in many cases, provide some reasonable expectation of a party's likely success, either overall or in a particular riding. In the absence of a close race, and where voting is less likely to be seen as a "civic duty," voters who support a party with no reasonable chance of winning a constituency may have little motivation to cast their ballot. If they vote "strategically" for another party, there is no way to (a) register that this is a strategic vote, or (b) indicate which party the voter would have voted for if not voting strategically. Widespread strategic voting, in turn, can lead to "false" mandates, because every party assumes, quite naturally, that its support consists of votes for it and its platform, not votes against another party or votes that represent "choosing the lesser of two evils." In short, the possibility of wasted votes provides a disincentive to participation.

Wasted votes are not a problem in any system in which all votes have a role in determining the allocation of seats in the legislature. An interesting example of this is the "best runners-up" model that the Committee learned about in Baden-Württemberg. Voters cast one vote in a single-member district. This vote is counted once to determine which candidate wins the constituency seat. The vote

[60] Arend Lijphart, *Electoral Systems and Party Systems* (Oxford: Oxford University Press, 1994), p. 21.

is counted a second time as part of each party's provincial total, to determine the distribution of a second tier of adjustment or list seats, which are allocated to each party's candidates with the highest vote totals who did not win a constituency seat. Thus, one may vote for a candidate who has no reasonable chance of winning the district in the knowledge that this vote (a) will count towards the party's overall total (thus increasing its chance of winning list seats); *and* (b) will increase the likelihood that this candidate will fill one of the party's list seats – the vote is doubly not-wasted.

F. Sample Ballot

Sie haben 2 Stimmen

X

hier 1 Stimme
für die Wahl
eines/einer Wahlkreis-abgeordneten

Erststimme

1	**Krummacher**, Johann-Henrich	CDU	Christlich Demokratische Union Deutschlands	◯
2	**Körner**, Martin	SPD	Sozialdemokratische Partei Deutschlands	◯
3	**Siller**, Peter-Stefan	GRÜNE	BÜNDNIS 90/ DIE GRÜNEN	◯
4	**Scholtz**, Ulrich	FDP	Freie Demokratische Partei	◯
8	**Dr. Hammel**, Manfred	Die Linke.	Die Linkspartei.	◯
7	**Dr. Weiblen**, Walter	PBC	Partei Bibeltreuer Christen	◯
8	**Heilriegel**, Ronnie	NPD	Nationaldemokratische Partei Deutschlands	◯
9	**Held**, Uwe	GRAUE	DIE GRAUEN – Graue Panther	◯
10	**Mohs**, Hubertus	BüSo	Bürgerrechtsbewegung Solidarität	◯
13	**Ritter**, Karl		Kernkraft: Für ein gesundes und friedliches Deutschland	◯

X

hier 1 Stimme
für die Wahl
einer Landesliste (Partei)
– maßgebende Stimme für die Verteilung der Sitze insgesamt auf die einzelnen Parteien –

Zweitstimme

◯	**CDU**	Christlich Demokratische Union Deutschlands	1
◯	**SPD**	Sozialdemokratische Partei Deutschlands	2
◯	**GRÜNE**	BÜNDNIS 90/DIE GRÜNEN	3
◯	**FDP**	Freie Demokratische Partei	4
◯	**REP**	DIE REPUBLIKANER	5
◯	**Die Linke.**	Die Linkspartei	6
◯	**PBC**	Partei Bibeltreuer Christen	7
◯	**NPD**	Nationaldemokratische Partei Deutschlands	8
◯	**GRAUE**	DIE GRAUEN – Graue Panther	9
◯	**BüSo**	Bürgerrechtsbewegung Solidarität	10
◯	**FAMILIE**	FAMILIEN-PARTEI DEUTSCHLANDS	11
◯	**MLPD**	Marxistisch-Leninistische Partei Deutschlands	12

G. Dissenting Opinion

DISSENTING OPINION
ON THE REPORT ON ELECTORAL REFORM

NORM MILLER, MPP
NORMAN STERLING MPP

PROGRESSIVE CONSERVATIVE MEMBERS OF THE SELECT COMMITTEE ON ELECTORAL REFORM

We agree with the majority of the report – that is, electoral reform (as opposed to parliamentary reform) is unlikely to solve the problems facing our Parliamentary system.

In spite of this, we continue down a path which will be difficult if not impossible to reverse. We risk making a system badly in need of reform worse.

With the present lack of trust by the public in their politicians, the temptation to seek change will be overwhelming. It will be difficult if not impossible for an objective assessment of the current system to be carried out due to the cynicism and distrust that has arisen towards politicians and the political process.

We believe it would be a mistake to assume that cynicism and distrust have as their principal cause a concern by the population about **how** their elected representatives are elected. We believe the cynicism and distrust have a lot more to do with **what** elected representatives **actually do** once elected and to some extent how well or how poorly the institution to which they are elected **actually functions**, as opposed to the method of election.

Consequently we believe that prior to examining the method by which we elect our Members of Provincial Parliament, we should show the leadership necessary to reform the Legislative Assembly itself and its functioning in the public interest. These reforms should ensure a meaningful role for elected members and for the opposition parties, restore real accountability by the Executive to the Legislature, regain real control by the Legislature as a whole over the taxpayer's money and generally implement measures to cause the Legislative Assembly to function in a business-like, productive and responsive manner.

If the only avenue opened to the people via a Citizen's Assembly is to change the way we elect our Legislative Assembly and, once changes are implemented, citizens then see the same old problems, the response would likely be a public more cynical and less confident than ever in the overall political system.

We also believe that beyond the system of election, beyond the functioning of the Legislative Assembly, a concerted effort and strong leadership are needed to improve the level of honesty and integrity in the political process in Ontario. While such a renewed demonstration of honesty and integrity will largely rest on the behaviour of those elected to represent and to govern, significant additional measures designed to bring real openness, transparency and legitimacy to the Legislature, government and the political process will also be necessary.

Accordingly we believe that we are putting a great deal at risk by merely continuing down the unduly narrow path chosen by one political party during one election campaign and based on a false premise, namely that this type of electoral reform will address the current levels of cynicism and distrust and improve the public's faith in the political process.

In this zeal to do what is politically popular without first addressing the proper functioning of Parliament and the role and responsibilities of the people who make it up, we are headed down a virtual one way street to permanent coalition and minority Parliaments, more manipulation by political parties, more MPPs in the Legislature and the almost automatic abandonment of a system of electing our representatives which is not perfect but which is simple, accountable and which as worked for more than 130 years.

There are few if any rewards to taking this approach.

The Government should focus its attention first and urgently on meaningful Parliamentary reform. A Citizen's Assembly could be very objectively helpful in addressing this challenge and real, immediate and lasting benefits would result. With those benefits would come increased public confidence. The current exercise should be put aside for now in favour of this more sensible, more urgent alternative.

Should this process on electoral reform continue we have strong objections to the committee's rejection of two matters raised by us on the issue of a referendum:

1. While the committee recommended that "a review (if not also a referendum) on the suitability of a new system" take place in the future we believe a second referendum must be guaranteed as there will be a great reluctance on the part of a government elected under any new system to revert back to our present system. We are empowering the people to change our electoral system through a referendum. We should not deny them that same power to reject a new system once they have experienced it.

2. We believe that there should be a full and open public debate on any referendum question. Experience in British Columbia has shown that those campaigning for office at the same time as a referendum are reluctant to take a position for fear of alienating voters. It is therefore necessary to provide some form of public funding to other parties interested in the referendum debate. B.C. has recognized this deficiency in its first referendum and is providing public funding for its second referendum.